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Ontario. Laws, statutes.

Statutes







46

# STATUTES

## OF THE

# PROVINCE OF ONTARIO

PASSED IN THE SESSION HELD IN THE

THIRD YEAR OF THE REIGN OF HIS MAJESTY

KING EDWARD VII.

Being the First Session of the Tenth Legisla-  
ture of Ontario.

BEGUN AND HOLDEN AT TORONTO ON THE TENTH DAY OF MARCH IN THE YEAR  
OF OUR LORD ONE THOUSAND NINE HUNDRED AND THREE.



---

HIS HONOUR  
THE HONOURABLE WM. MORTIMER CLARK,  
LIEUTENANT-GOVERNOR.

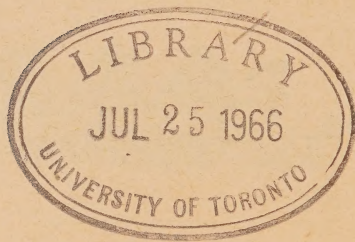
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TORONTO:  
Printed and Published by L. K. CAMERON,  
Printer to the King's Most Excellent Majesty.  
1903.





WARWICK BRO'S & RUTTER, PRINTERS.  
TORONTO.



1098580

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## 3 EDWARD VII.

### CHAPTER 1.

An Act for granting to His Majesty certain sums of money to defray the expenses of Civil Government for the year one thousand nine hundred and three and for other purposes therein mentioned.

*Assented to 12th June, 1903.*

MOST GRACIOUS SOVEREIGN :

**W**HEREAS it appears by messages from His Honour, Preamble  
William Mortimer Clark, Lieutenant-Governor of the Province of Ontario, and the estimates accompanying the same, that the sums hereinafter mentioned in the Schedules to this Act are required to defray certain expenses of the Civil Government of this Province, and of the public service thereof, and for other purposes for the year one thousand nine hundred and three; May it therefore please Your Majesty that it may be enacted, and it is hereby enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:—

1. From and out of the Consolidated Revenue Fund of this Province, there shall and may be paid and applied a sum (not exceeding in the whole) of four million eight hundred and fifty-nine thousand two hundred and thirty dollars and thirty-nine cents, for defraying the several charges and expenses of the Civil Government of this Province for the year one thousand nine hundred and three as set forth in Schedule A to this Act; and for the expenses of Legislation, Public Institutions' Maintenance and Salaries of the Officers of the Government and Civil Service for the month of January, one thousand nine hundred and four as set forth in Schedule B to this Act. \$4,859,230.39 granted out of the Consolidated Revenue Fund for certain purposes.

2. Accounts in detail of all moneys received on account of this Province, and of all expenditures under Schedule A of this Act shall be laid before the Legislative Assembly at its next sitting. Accounts to be laid before the Legislative Assembly.

3. Any part of the money under Schedule A, appropriated by this Act out of the Consolidated Revenue, which may be unexpended on the thirty-first day of December, one thousand nine hundred and three, shall not be expended thereafter, Unexpended moneys.

after, except in the payment of accounts and expenses incurred on or prior to the said day ; and all balances remaining unexpended after the twentieth day of January next shall lapse and be written off.

Expenditure  
to be account-  
ed for to His  
Majesty.

4. The due application of all moneys expended under this Act out of the Consolidated Revenue shall be accounted for to His Majesty.

SCHEDULE A.

SUMS granted to His Majesty by this Act for the year one thousand nine hundred and three, and the purposes for which they are granted.

CIVIL GOVERNMENT.

*To defray the expenses of the several Departments at Toronto.*

Lieutenant-Governor's Office.....	\$ 4,000 00	
Attorney-General's Department.....	17,450 00	
Education Department.....	21,050 00	
Crown Lands Department.....	70,825 00	
Public Works do .....	44,850 00	
Treasury do .. ..	35,800 00	
Provincial Secretary's Department.....	22,378 00	
Inspection Public Institutions.....	18,450 00	
Audit, License and Justice Accounts.....	10,100 00	
Registrar-General's Branch.....	14,750 00	
Provincial Board of Health.....	10,650 00	
Department of Agriculture.....	27,550 00	
Insurance Branch.....	8,600 00	
Neglected Children's Branch.....	6,600 00	
Miscellaneous.....	15,550 00	
		\$328,603 00

LEGISLATION.

To defray expenses of Legislation .....	215,900 00
---	------------

ADMINISTRATION OF JUSTICE.

To defray expenses of Administration of Justice.....	464,955 99
--	------------

EDUCATION.

To defray expenses of :—	
Public and Separate School Education ....	\$499,606 81
High Schools and Collegiate Institutes ....	127,175 00

Library



Library and Museum .....	\$ 7,850 00	
School of Practical Science .....	41,375 00	
Public Libraries, Art Schools, Literary and Scientific .....	64,800 00	
Technical Education .....	20,000 00	
Provincial University and Mining Schools..	106,437 26	
Maintenance Education Department.....	8,650 00	
Miscellaneous .....	4,450 00	
Superannuated Public and High School Teachers .....	63,300 00	
	<hr/>	\$943,644 07

## PUBLIC INSTITUTIONS' MAINTENANCE.

To defray expenses of :—		
Asylum for the Insane, Toronto .....	\$106,377 00	
Asylum for the Insane, London .....	137,022 00	
Asylum for the Insane, Kingston.....	81,600 00	
Asylum for the Insane, Hamilton .....	128,568 00	
Asylum for the Insane, Mimico .....	81,870 00	
Asylum for the Insane, Brockville .....	84,293 00	
Asylum for Senile Patients, Cobourg .....	27,630 00	
Asylum for Idiots, Orillia.....	71,622 00	
Central Prison, Toronto.....	63,200 00	
Ontario Reformatory for Boys, Penetan- guishene .....	28,250 00	
Institution for the Deaf and Dumb, Belleville	49,491 00	
Blind Institute, Brantford .....	32,903 00	
Andrew Mercer Reformatory for Women and Refuge for Girls, Toronto.....	29,934 00	
	<hr/>	922,760 00

## COLONIZATION AND IMMIGRATION.

To defray expenses of Colonization and Immigration....	14,325 00
--	-----------

## AGRICULTURE.

To defray expenses of a grant in aid of Agriculture.....	294,420 00
--	------------

## HOSPITALS AND CHARITIES.

To defray expenses of a grant in aid of Hospitals and Charities .....	228,932 98
--	------------

MAINTENANCE AND REPAIRS OF GOVERNMENT AND  
DEPARTMENTAL BUILDINGS.

Government House .....	\$15,500 00	
Parliament and Departmental Buildings....	47,620 00	
	<hr/>	63,120 00

PUBLIC

## PUBLIC BUILDINGS.

## PARLIAMENT BUILDINGS.

Additional rooms and vault fittings .....	\$2,000 00
---	------------

## PUBLIC INSTITUTIONS.

## Asylum for Insane, Toronto—

Repairs, drains, &c. ....	\$500 00
Repairs to entrance gates and lodges ....	500 00
Renewals, furniture, furnishings, &c. ....	7,575 00

---

8,575 00

## Asylum for Insane, Mimico—

Purchase of McNeil Farm .....	7,100 00
Repairs, drains, &c. ....	450 00
Laundry, machinery (re-vote) .....	200 00
Installation of Gegenstrom bathing apparatus, 2 Cottages .....	800 00
Renewals, furniture, furnishings, etc. ....	3,250 00

---

11,800 00

## Asylum for Insane, London—

## Extensions and improvements—

Infirmary Building .....	18,500 00
Reservoir and improved water supply ....	2,500 00
Additional storey to carpenter shop ....	1,200 00
To complete addition to laundry .....	1,800 00
Repairs, drains, roof, &c. ....	300 00
Laundry fittings, &c. ....	1,800 00
Slating roof main building .....	1,000 00
Furniture and furnishings—Infirmary ...	5,000 00
Engineer's fittings, baths, &c. ....	1,700 00
Renewals, furniture, furnishings, &c. ....	2,500 00

---

36,300 00

## Asylum for Insane, Hamilton—

Purchase of adjoining property .....	5,000 00
Additional dormitories .....	3,000 00
Repairs to Medical Superintendent's house, on account of fire .....	2,000 00
Improvements in bathing appliances (4 bath rooms) .....	2,000 00
Increased water main (re-vote) .....	1,300 00
Repairs, roofs, drains, &c. ....	400 00
Repairs to sewer (part re-vote) .....	2,000 00
Repairs to engines .....	300 00
Boilers, renewals .....	3,000 00
Electric arc lamps to grounds ...	300 00
Furniture and furnishings for new dormi- tories .....	1,000 00
Exterior general repairs .....	2,000 00
Experiments—water supply (re-vote) ....	2,000 00

---

24,300 00

Asylum

## Asylum for Insane, Kingston—

New boilers and covering pipes .....	\$2,800 00
Cottage for Convalescents' and Nurses' Home—(part re-vote).....	4,500 00
Heating, Lighting and Plumbing do .....	1,000 00
Repairs, roofs, drains, etc .....	300 00
Rebuilding lavatory, North Cottage ....	500 00
Painting Main Building .....	400 00
Hot air furnace, New Court Building....	150 00
Laundry machinery .....	150 00
Renewals, furniture, furnishings, etc ....	3,250 00

---

\$13,050 00

## Asylum for Insane, Brockville—

Spray Baths .....	1,200 00
Repairs, roofs and drains .....	400 00
Alterations to drying-room .....	650 00
Renewals, furniture, furnishings, etc ....	2,600 00

---

4,850 00

## Asylum for Insane, Cobourg—

Residence for Superintendent (part re-vote)	5,000 00
Root house and outbuilding (re-vote) ....	500 00
Fences and drains .....	300 00
Railing for steps, painting, furniture and furnishings .....	300 00

---

6,100 00

## Asylum for Idiots, Orillia—

Cottage for Defectives .....	5,000 00
Completion of Electric light, power and fire protection.....	5,800 00
Completion of machinery and silo and extension of stables .....	1,200 00
Conversion of Gas Works into dwellings..	1,500 00
Renewals, furniture, furnishings, etc ....	4,800 00

## Central Prison, Toronto—

Repairs, roof, drains, etc .....	300 00
Stand pipe valves and engineer's fittings to extend sprinkler system for fire protection .....	600 00
Completion of store house and chapel....	1,000 00
Plumber's fittings and fixtures for bath room.....	400 00
Furniture and furnishings.....	700 00

---

3,000 00

## Reformatory for Boys, Penetanguishene—

Drains and drainage .....	200 00
Renewals, furniture, furnishings, etc ....	2,100 00

---

2,300 00

## Hospital for Epileptics, Oxford—

Site for Hospital—(re-vote)— .....	10,000 00
Initial vote for buildings—(re-vote)— ..	20,000 00

---

30,000 00

Reformatory



## Reformatory for Females, Toronto—

Reconstruction of main laundry .....	\$2,500 00
Fencing yard and kitchen garden .....	1,750 00
New floors and metal ceilings .....	900 00
Renewals, furniture, furnishings, etc. ....	2,150 00

7,300 00

## Deaf and Dumb Institute, Belleville—

Enlargement of laundry over boiler room	950 00
Laundry machinery .....	1,000 00
Extension of drains .....	250 00
Bricking in steam boilers and re-setting (3 boilers) .....	450 00
Renewals, furniture, furnishings, etc. ....	2,600 00

5,250 00

## Institute for Blind, Brantford—

Extension of lavatories .....	1,100 00
Renewals, furniture, furnishings, etc. ....	1,235 00

2,335 00

## EDUCATIONAL.

## Normal and Model School, Toronto—

Addition to Normal School for Manual Training and Domestic Science ....	31,000 00
Improvements in steam heating to save fuel .....	5,000 00

36,000 00

## Normal and Model School, Ottawa—

Equipment for Domestic Science Class room .....	1,200 00
Covering heating pipes .....	300 00

1,500 00

## Normal School, London—

Class room for manual training ....	1,100 00
Equipment do .....	500 00
Furnishings, etc. ....	700 00

2,300 00

## Normal College, Hamilton—

Furnishing Domestic Science Department .....	1,000 00
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1,000 00

## School of Practical Science, Toronto—

New buildings (part re-vote) .....	175,000 00
Plumbing, heating and ventilation .....	35,000 00
Equipment—Mining and Assaying Labora- tories .....	5,000 00
Equipment—Mineralogy Laboratory ....	3,000 00
do Chemical do .....	6,000 00

224,000 00

Agricultural College and Experimental Farm,  
Guelph—

Laying switch from Street Railway into Agricultural College Grounds .....	4,000 00
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Refrigerating

Refrigerating Plant as per tender of Linde-British Refrigeration Co. ....	\$3,200 00	
Experimental Cold Storage Station (re-vote).....	1,500 00	
Water and fire hydrants—Sir. W. McDonald Building.....	800 00	
Electric Line from College to Buildings..	900 00	
Furnishing residence for 100 girls.....	4,000 00	
Grading grounds, making roads and laying walks.....	2,000 00	
Architects' fees.....	8,525 00	
Cases for General Museum.....	1,000 00	
Special Apparatus for laboratories.....	1,800 00	
Covering and re-laying steam-pipes underground.....	2,000 00	
Cement walks and cement floor in College Gymnasium.....	1,000 00	
Steam radiators in students' dormitories	700 00	
Air compressor and heater for boiler....	1,050 00	
Balance contract electric lighting and heating Physical Laboratory and Museum.....	1,550 00	
Completion of electric lighting plant and wiring for buildings and grounds. . .	4,500 00	
Skylights and alterations, Experimental Building.....	1,000 00	
To complete power house.....	250 00	
Steam connections main, engine room and boilers. . . . .	600 00	
Extensions of electric wiring and fixtures, Massey Building.....	265 00	
Steam heating, Live Stock Pavilion. ....	300 00	
	<hr/>	\$40,940 00
Eastern Dairy School—		
Repairs and alterations .....		2,000 00
Osgoode Hall—		
Furnishings for Judges' robing room .....		310 00

## DISTRICTS.

## Algoma—

Plumbing, Gaol and Court House, Sault Ste. Marie.....	900 00	
Furnace and plumbing, gaoler's house, do.	130 00	
Lock-up, Wawa (part re-vote).....	936 00	
Repairs and furniture to Lock-ups, Manitowaning, Chapleau, Blind River, Webbwood, Massie and Little Current	825 00	
Repairs Gore Bay .....	500 00	
	<hr/>	3,291 00
		Thunder



## Thunder Bay—

Lock-up, Nepigon .....	\$1,300 00
Repairs, furniture and improvements....	1,000 00
Improvements in heating system, Court House and Gaol, Port Arthur .....	500 00

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\$2,800 00

## Muskoka—

Lavatories, Court House and Gaol, Brace- bridge .....	500 00
Enlargement gaol yard .....	450 00
Repairs, furniture and improvements....	400 00

---

1,350 00

## Parry Sound—

Heating Court House and Gaol, Parry Sound .....	2,500 00
Repairs, furniture and improvements....	750 00

---

3,250 00

## Nipissing—

Improvements in Heating Court House and Gaol, Mattawa .....	1,300 00
Repairs, furniture and improvements...	700 00
Lock-up, Copper Cliff .....	500 00
do Bonfield (re-vote) .....	800 00

---

3,300 00

## Rainy River—

Registry Office—Fort Francis.....	2,000 00
Plumbing, Gaol and Court House, Rat Portage .....	600 00
Plumbing, gaoler's house, Rat Portage....	200 00
Heating, do do .....	200 00
Lock-up, Emo .....	1,800 00
do Beaver Mills.....	2,100 00
To complete lock-up, Atikokan.....	810 00
Repairs, furniture and improvements....	200 00

---

7,910 00

(Total Public Buildings, \$505,411 00.)

## PUBLIC WORKS.

To defray expenses of Public Works ..... \$118,177 00

## COLONIZATION ROADS AND MINING ROADS.

To defray expenses of Construction and Repairs ..... \$159,350 00

## CHARGES ON CROWN LANDS.

To defray expenses on account of Crown Lands ..... \$268,675 00

## REFUNDS.

Education .....	\$1,000 00
Crown Lands .....	36,000 00

Municipalities

Municipalities Fund .....	\$243 32	
Land Improvement Fund .....	2,861 87	
	<hr/>	\$40,105 19

## MISCELLANEOUS EXPENDITURE.

To defray Miscellaneous Expenditure.....	\$160,851 16
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## UNFORESEEN AND UNPROVIDED.

To defray Unforeseen and Unprovided Expenses.....	50,000 00
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Total estimates for expenditure of 1903..	<hr/> \$4,779,230 39
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## SCHEDULE B.

SUM granted to His Majesty by this Act for the year one thousand nine hundred and three and the purposes for which it is granted.

To defray the expenses of Legislation, Public Institutions' Maintenance, and for salaries of the officers of the Government and Civil Service for the month of January, 1904.....	\$80,000 00
Total.....	<hr/> \$4,859,230 39



## CHAPTER 2.

An Act to amend The Act respecting the Taxation of Patented Lands in Algoma, Manitoulin, Thunder Bay and Rainy River.

*Assented to 12th June, 1903.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short Title.

1. This Act may be cited as *The Algoma Land Tax Amendment Act, 1903*,

If arrears not paid land forfeited to the Province.

2.—(1) Whenever a portion of the taxes, made up and ascertained as provided in section 7 of the Act chaptered 26 of the Revised Statutes of Ontario 1897, against any lot or parcel of land contained or set down in the books of the Treasurer of the Province, required to be kept by section 6 of the said Act, shall have been on the first day of January in any year, beginning with the year 1904, then due for three years, such lot or parcel of land (being a lot or parcel for which a patent has been granted by the Province) shall, unless the said arrears are sooner paid, *ipso facto* on the succeeding thirty-first day of December be deemed forfeited to the Crown as represented by the Province and as from the said last mentioned date the patent or patents whereby the said lands were granted shall be deemed to be revoked and cancelled; provided that the Treasurer of the Province may upon a sufficient case shown to his satisfaction extend the time for the payment of the said arrears so due on any lot or parcel of land; provided also that where prior to the passing of this Act a municipality has been formed in any district included in the Act hereby amended, the Treasurer of the Province is hereby authorized and empowered to remit and cancel the whole of the said arrears of taxes, then payable or due to the Treasurer of the Province on any land situate within such municipality; provided further that on the receipt of a certificate from the sheriff of the district in which the lands concerned are situated, that any land is in actual occupation as farming land at the passing hereof, the Treasurer of the Province is hereby authorized and empowered to remit and cancel the whole of the said arrears of taxes then payable or due to the Treasurer of the Province on the said land.

Proviso.

Proviso.

Proviso.

(2) The Provincial Treasurer shall cause to be published each year in the Public Accounts of the Province a statement containing the name of every person whose taxes were abated or remitted under this Act by virtue of the said certificate of the sheriff of the District, the amount of taxes so abated or remitted, and the parcel or parcels of land to which such abatement or remission applied. Annual statements of taxes remitted.

3—(1) Where any lot or parcel of land has been forfeited to the Crown as provided in the next preceding section, the Treasurer of the Province may at any time thereafter under his hand and seal of office issue a certificate of forfeiture in as many parts as may be desired in the terms or to the effect of Schedule A to this Act. Certificate of forfeiture.

(2) Any original or an exemplification, or a certified copy of any certificate of forfeiture given under this Act, or any declaration or recital of such forfeiture contained in any patent of the said land issued thereafter shall in any court or elsewhere be absolute and conclusive evidence of the forfeiture to the Crown of the land so certified, declared or recited to be forfeited. Certificate conclusive evidence of forfeiture.

(3) For purposes of any certificate of the Treasurer of the Province under this Act or under the Act hereby amended, a seal or signature purporting to be the seal or signature of the Treasurer of the Province shall without further proof of authenticity or of the official character of the person signing be received as evidence in any court or elsewhere of the seal or signature of the Treasurer of the Province. Seal or signature of Treasurer.

(4) The Registrar of any registry division in which any lot or parcel of land included in a certificate of forfeiture given under this Act is situate, or the Local Master of Titles (as the case may be) to whom the said certificate is tendered for registration shall duly receive and register the same against the land affected thereby upon payment of a fee of seventy-five cents for each lot or parcel included in such certificate; and such Local Master shall in the Register enter His Majesty as the owner of such land. Registration of certificate.

4. The Treasurer of the Province shall cause a notice to be published in the terms or to the effect of Schedule B to this Act in six issues of the *Ontario Gazette* and six times in one or more newspapers published in each of the Districts of Algoma, Manitoulin, Thunder Bay, and Rainy River. Form of notice.

5. In respect of any lands forfeited by virtue of this Act it shall not be necessary for the Treasurer of the Province to take any of the proceedings which by the said Chapter 26 of the Revised Statutes of Ontario 1897 are made preliminary to the sale of lands on which taxes are in arrears. Provisions of Rev. Stat. c. 26, not to apply.



Rev. Stat.,  
c. 26, amended.

**6.** Section 7 of the said Act, chaptered 26 of the Revised Statutes of Ontario, 1897, is hereby amended by striking out the word "ten" in the seventh and twelfth lines of the said section, and substituting therefor the word "six," and the Treasurer of the Province is hereby authorized and empowered to commute the arrears due at the passing of this Act on any lot or parcel by computing the said arrears at the rate of six per cent. per annum compounded, instead of at the rate of ten per cent. per annum compounded as provided in the said section hereby amended.

Acts repealed.

7. All enactments inconsistent with this Act are to the extent of such inconsistency hereby repealed.

## SCHEDULE A.

( Section 3 (1) )

ONTARIO.

In the matter of The Algoma Land Tax Amendment Act 1903 (3 Ed.  
VII Chap. 2.)

CERTIFICATE OF FORFEITURE OF PATENTED LAND.

The undersigned, the Treasurer of the Province of Ontario doth hereby certify that by virtue of the said Act Lot number \_\_\_\_\_ in the District of \_\_\_\_\_ Concession of the Township of \_\_\_\_\_ in the Dis-  
(or as the case may be) became forfeited to the  
Crown on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_.

WITNESS my hand and seal of Office this \_\_\_\_\_ day of \_\_\_\_\_

Treasurer.

## SCHEDULE B.

( *Section 4* )

## ONTARIO.

In the matter of The Algoma Land Tax Amendment Act 1903 (3 Ed.  
VII Chap. 2.

## NOTICE.

Pursuant to the provisions of the said Act, Notice is hereby given that unless the taxes imposed by virtue of the *Act respecting taxation of Patented Lands in Algoma, Manitoulin, Thunder Bay and Rainy River* (R. S. O. 1897 Chapter 26) which became due and payable to the Treasurer of the Province on or before the 1st day of January 19—, (*as the case may be*), are paid to the Treasurer of the Province on or before the 31st day of December 19— (*as the case may be*) the lands liable for such arrears shall *ipso facto* as from the said 31st day of December 19— be forfeited to the Crown.

Dated at Toronto

this

day of

19

Treasurer.

## CHAPTER 3.

An Act to amend The Act to provide for the appropriation of certain lands for the Volunteers who served in South Africa and the Volunteer Militia who served on the frontier in 1866.

*Assented to 12th June, 1903.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1 Edw. VII.  
c. 6, s. 1  
amended.

1. Section 1 of *The Act to provide for the appropriation of certain lands for the Volunteers who served in South Africa and the Militia who served on the frontier in 1866* is amended by striking out the words "by proclamation within two years after the passing of this Act."

1 Edw. VII.  
c. 6, s. 2,  
sub-s. (a)  
amended.

2. Subsection (a) of section 2 of said Act is amended by striking out the words "in the years 1899 and 1900."

1 Edw. VII.  
c. 6, s. 2,  
sub-s. (d)  
repealed.

3. Subsection (d) of section 2 of the said Act is repealed and the following substituted therefor :—

"(d) Persons who were members of the Volunteer Militia of Canada and were engaged in active service in defence of the frontier of that part of the late Province of Canada called Canada West in 1865 or 1866 or of the Province of Ontario in 1870."

1 Edw. VII.  
c. 6, s. 2,  
sub s. (e)  
amended.

4. Subsection (e) of section 2 of said Act is amended by adding after the words "frontier in" the figures "1865."

1 Edw. VII.  
c. 6, s. 2,  
sub-s. (f)  
amended.

5. Subsection (f) of section 2 of said Act is amended by striking out the words "resident in Ontario."

1 Edw. VII.  
c. 6, s. 2,  
sub-s. (g)  
amended.

6. Subsection (g) of section 2 of said Act is amended by adding at the end thereof the word and figures "or 1870."

1 Edw. VII.  
c. 6, s. 3  
amended.

7. Section 3 of said Act is amended by striking out the figures "1903" at the end of the said section and inserting in lieu thereof the figures "1904."

1 Edw. VII.  
c. 6, s. 5  
amended.

8. Section 5 of said Act is amended by striking out the words "by proclamation."



9. Section 6 of said Act is amended by adding after the word "duties" in the second line the words "except as hereinafter provided." 1 Edw. VII.  
c. 6, s. 6  
amended.

10. Section 8 of the said Act is amended by striking out the words "by proclamation" and by adding the following subsection :— 1 Edw. VII.  
c. 6, s. 8  
amended.

(a) When an applicant for a grant of land under this Act undertakes to become an actual *bona fide* resident upon the land applied for and to perform the necessary settlement duties upon the land which, by regulations under *The Public Lands Act* are required in the township in which he desires to locate, a second location in the mile may be allowed, subject to the cancellation of such location in the event of the applicant failing to go into actual occupation within six months or on failure at any time to prosecute his improvements as required by the regulations under said *Public Lands Act*. Rev. Stat.,  
c. 28.

11. The amendments hereby made to the said Act shall operate and have effect as if the said Act had been enacted as so amended on the 15th day of April, 1901. Amendments  
to be retro-  
active.

## CHAPTER 4.

## An Act to amend The Temiskaming and Northern Ontario Railway Act.

*Assented to 12th June, 1903.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

2 Edw. VII.  
c. 9, s. 5,  
repealed.

1. Section 5 of *The Temiskaming and Northern Ontario Railway Act* is hereby repealed and the following section enacted in lieu thereof :—

Land grant for  
railway and  
extensions.

5. To meet the cost of the construction equipment and maintenance of the said railway and of all extensions thereof which shall hereafter be authorized by the Legislature of Ontario, the Lieutenant-Governor in Council may from time to time out of the ungranted lands of Ontario set apart a tier of townships on each side of and adjoining as far as practicable the said railway and extensions as aforesaid and other lands in the said District of Nipissing to the extent of twenty thousand acres for each mile of the line of the said railway and extensions as aforesaid constructed and to be constructed including branch lines. But the land so set apart shall not include timber or mineral.

2 Edw. VII.  
c. 9, s. 6,  
amended.

2. Section 6 of the said Act is amended by striking out the word "debentures" and inserting in lieu thereof the word "bonds."

2 Edw. VII.  
c. 9, ss. 12 and  
13 repealed.

3. Sections 12 and 13 of said Act are hereby repealed and the following enacted in lieu thereof :—

Commission  
may issue  
bonds.

12.—(1) For the purposes and objects intended to be secured by this Act, the Commission may, by the issue of bonds, raise any sum or sums of money not exceeding twenty-five thousand dollars for each mile of the said railway (including all extensions which shall hereafter be authorized by the Legislature of Ontario,) constructed or to be constructed, (including branch lines) as may be necessary to provide for the construction equipment and maintenance of the said railway and all extensions as aforesaid. The appropriation and application of such moneys shall be assured to the satisfaction of the Lieutenant-Governor in Council.

(2)

(2) The bonds shall be under the corporate seal of the Commission and the hands of at least two of the Commissioners, and shall be countersigned by the Treasurer of the Province, and shall be certified as being authorized by this Act by the Commissioner of Public Works of the Province as trustee in that behalf; and the same shall be in such currency, and for such respective amounts payable on the expiration of not more than forty years from the date of issue and at such rate of interest not higher than four per cent. per annum and shall be disposed of at such prices and on such terms as may be determined by the Commission and approved by the Lieutenant-Governor in Council. The interest shall be paid half yearly on such days as shall be mentioned in the bonds.

Term of bond

(3) The bonds shall, equally and without preference of one over another, be a charge upon the franchise, the right of way, the roadbed and all permanent fixtures and appurtenances of the said line of railway, and on the proceeds of the sale of said lands, not including, however, the proceeds of the sale of timber or minerals thereon; and the Lieutenant-Governor in Council by Order in Council may also guarantee payment of the principal and interest of the said bonds.

Bonds to be a charge on franchise, roadbed, right of way, etc.

(4) The bonds so issued countersigned and certified shall be conclusive of the same having been issued in pursuance of this Act, and of the same being guaranteed by the Province of Ontario.

Bonds how authenticated.

(5) The bonds may be made payable to order or to bearer, or made payable to bearer subject to being made payable to order by registration, as may be provided in the said bonds, but the coupons for interest annexed thereto shall be payable to bearer and the bonds may contain such provision for the redemption of the same by the Lieutenant-Governor in Council before maturity thereof, as shall be approved by the Lieutenant-Governor in Council.

Bonds payable to order or to bearer.

(6) The said bonds, or the money raised thereby, shall be expended for locating, constructing, equipping, operating and maintaining the said railway, (including such extensions thereof as shall hereafter be authorized by the Legislature of Ontario.) for repaying to the Province any expenses incurred with reference to the said railway and for the current expenses of the Commission and of the said railway and extensions as aforesaid, and for payment of interest on the said bonds until a sufficient revenue for said purposes is obtained from the said railway.

Application of proceeds.

**13.**—(1) The income of the Commission from the said railway and all extensions thereof as aforesaid, and the proceeds of the lands to be set apart as aforesaid shall be applied as follows:—

Application of Revenue.

- 1st. To the payment of the necessary operating expenses of the said railway and extensions and of all
- 2 s. works



works necessary to the preservation, improvement and maintenance of the said railway and extensions, and to the payment of the remuneration and expenses of the Commission and the salaries of officers and others employed by the Commission and other incidental expenses.

2nd. To the payment half-yearly of the interest payable on the bonds issued under the authority of this Act.

3rd. To provide a sinking fund at such rate per cent per annum on the entire amount of the bonds so to be issued as aforesaid as will discharge the principal of the said bonds at the maturity thereof.

4th. The portion if any of the income then remaining shall be paid over by the Commission to the Treasurer of Ontario at such times and in such manner as the Lieutenant-Governor in Council shall direct, and shall thereupon form part of the consolidated revenue fund of the Province.

(2) The annual sums for the sinking fund shall in like manner be paid over by the Commission to the Treasurer of Ontario, at such times and in such manner as the Lieutenant-Governor in Council shall direct for the investment and accumulation thereof under the direction of the Lieutenant-Governor in Council.

(3) The sinking fund shall be invested in such securities as the Lieutenant-Governor in Council from time to time shall think proper, and shall, whether invested or not, be applied from time to time under the direction of the Lieutenant-Governor in Council in discharging the principal and interest thereon of the bonds.

## CHAPTER 5.

## An Act respecting aid by Land Grant to the Canada Central Railway Company.

*Assented to 27th June, 1903.*

**W**HEREAS the Canada Central Railway Company has Preamble.  
 been duly incorporated by the Legislature of Ontario and is empowered to construct as a part of its system a line of railway from a point at or near the head of deep water navigation on the French River through the Town of Sudbury to a point in the Township of Hutton being a distance of about 70 miles; and whereas the said line of railway will furnish a new and direct means of communication between the older settled parts of the Province and the northerly districts of said Province, and will aid materially in developing the resources of the said northerly districts;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Lieutenant-Governor in Council may set apart out of the ungranted lands of Ontario and grant as subsidies to the Canada Central Railway Company 7,400 acres of land per mile of the Company's line of railway from a point at the head of deep water navigation on the French River through the Town of Sudbury to a point in the Township of Hutton, a distance not exceeding seventy miles. Grant of 7,400 acres per mile for 70 miles.

2. The said lands may be set apart by the Commissioner of Crown Lands with the approval of the Lieutenant-Governor in Council in alternate blocks of one or not exceeding four townships of six miles square within a distance of 24 miles of the Company's railway or any branches thereof, or in such other localities within the Province of Ontario as may be designated by the Commissioner of Crown Lands with the approval of the Lieutenant-Governor in Council. Lands to be set apart in blocks.

3. The location of the lines of the Company's railway for the construction of which the said subsidy is granted shall be subject to the approval of the Commissioner of Public Works having regard to the feasibility of the route and engineering difficulties of construction. Location of line, etc., to be subject to approval of Public Works Commissioner

4. The unsurveyed lands to be granted shall be surveyed by the Company, and the plans and field notes thereof filed in the Department of Crown Lands, and such work shall be done Survey of granted lands.

done at the Company's own expense; the surveys shall be in accordance with the system of surveys prescribed for the Crown lands on the north shores of Lakes Huron and Superior and shall be subject to the inspection and approval of the Commissioner of Crown Lands.

When grants  
to be made.

5. Upon the construction and completion of the line of the said railway from the head of deep water navigation on French River to the Town of Sudbury, being a distance of about thirty miles, and upon the construction and completion of any section of not less than ten miles in length of that portion of the said railway lying northerly from the Town of Sudbury to the Township of Hutton, so as to admit of the regular running of trains thereon, and upon the furnishing such equipment therefor as shall be required for traffic, the Lieutenant-Governor in Council, upon the request of the Company, may grant to the Company the lands applicable to such portion or any such section according to the appropriation thereof made as hereinbefore provided, but subject to the provisions of this Act.

What to be  
included in  
grant.

6.—(1) The lands hereinbefore set forth to be granted to the Company shall be granted in fee simple, and such grant shall include all ores, mines and minerals, base and precious, and all powers, rights and privileges appertaining thereto, excepting those hereinafter expressly reserved; and shall also include the pine at a price to be paid for by the Company as hereinafter provided, and also be subject to the payment of such dues as at the time the said pine is cut are payable by other timber licensees on the pine sold in the same locality, but nothing in this Act contained shall be construed to mean that the lands to be set apart under this Act shall be pine lands.

Rev. Stat.,  
c. 36.

(2) The lands granted to the Company shall be subject to all the provisions of *The Mines Act*, and to all regulations made or to be made thereunder, saving and excepting Parts II. and III. thereof, and shall be subject also to the provisions of *The Act respecting Water Powers* and any regulations passed thereunder.

61 V. c. 8.

Where lands  
through which  
railway runs  
are valueless.

(3) In the case of any lands which in the opinion of the Commissioner of Crown Lands are unfit for settlement or absolutely valueless for any other purpose, other lands may be set apart and substituted therefor, and the Lieutenant-Governor in Council may grant such other lands to the Company in lieu of the lands for which they are substituted.

Rights of set-  
tlers in select-  
ed lands as to  
timber.

(4) Where said lands shall have been duly and legally sold by the Company or settled upon, the purchasers or settlers thereof or thereon shall have the right to cut and use such pine timber as they may require for mining purposes or for building and fencing on the land on which they are settled, and may also cut and dispose of all pine trees required to be removed



removed in the actual clearing of such land for agricultural purposes or for mining purposes as provided by *The Mines Act*, but no pine trees (except for the purposes aforesaid) shall be cut beyond the limit of such actual clearing, and pine trees cut in the process of clearing and disposed of shall be subject to the payment of the same dues as are at the time payable by the holders of licenses to cut timber or saw logs, but townships valuable for pine shall not be opened by the Company for settlement without the consent of the Commissioner of Crown Lands.

Rev. Stat.,  
c. 36.

7.—(1) Where a block of land allotted to the Company includes within its limits lands located or claimed by settlers or others having any right or interest therein under any Act of this Province either as purchasers from the Crown or as *bona fide* applicants therefor the lands so settled upon, purchased or applied for shall not be included in the block of land allotted to the Company, but the Company shall be entitled to an equal acreage of other lands in lieu thereof.

When grant  
to be made.

(2) Where the pine has not already been sold in townships or blocks allotted to the Company, or in the adjoining townships, the right to cut such pine on such townships so allotted and on the adjoining townships shall, upon the request of the Company or within one year after the work of construction therein has been actually commenced, be offered for sale by public auction subject to the usual conditions and regulations respecting sales of the right to cut timber on Crown Lands. Except as to pine timber no timber not already sold by the Crown on townships and blocks which may reasonably be expected to be comprised within territory wherein lands shall be allotted to the Company under the provisions hereof, shall be sold or otherwise disposed of until such allotment be made to the Company of the township or blocks in that vicinity, the line of railway to be located approximately and a plan or map thereof to be filed in the Crown Lands Department within one year from the passing of this Act.

Sale of right  
to cut pine  
by auction

(3) The right to cut the pine upon the said townships or blocks allotted to the Company as well as that on the adjoining townships or blocks shall be sold subject to the condition that a part of the same shall be cut each year and that all shall be removed within such period not exceeding ten years, as the Commissioner of Crown Lands prescribes, and any pine remaining uncut at the expiration of the said period on lands granted to the Company shall become the absolute property of the Company, but it shall pay in respect thereof the same dues as are payable by Crown timber licensees.

Conditions  
of sale of  
pine.

(4) Where the pine and other timber on such alternate blocks or townships have been sold prior to the passing of this Act under regulations respecting sales of the right to cut timber on Crown Lands or where any person or corporation has

Where pine  
has been sold  
heretofore.

has acquired any rights to any of the timber on such blocks or townships or portions thereof under any Act of this Province the Company, if it selects such townships or the said portions thereof shall hold the same subject to all the rights and privileges of such person or persons, corporation or corporations, so holding such interests therein, but the Company shall not be obliged to accept such lands as part of the said subsidies, but may select other lands.

Manufacture  
of spruce in  
Canada.

(5) None of the spruce timber on the lands so granted to the Company shall be exported in an unmanufactured condition from Canada, but the same shall be made into pulp, paper, or other finished or partially finished articles of commerce within Canada, and all patents of lands granted to the Company shall contain a condition that all ores, minerals and timber upon the said lands shall be subject to such regulations as to treating and refining the ores and minerals and manufacturing the timber within Canada as may be applicable from time to time to other lands within the Province under any general law.

When  
adjacent lands  
of Crown to be  
opened for  
settlement.

(6) All lands retained by the Crown and lying within six miles of the lines of said railway shall be opened for sale and settlement concurrently with the actual construction of such portions of the line within six miles of such lines, unless there is valuable pine thereon, and in that event such lands shall be opened for sale and settlement within ten years from the time of such construction or sooner if so directed by Order in Council; and all other lands so retained by the Crown within twenty-four miles of the said lines of the Company, shall be opened for sale and settlement within one year from the time of the said construction unless there is valuable pine thereon and in that event such lands shall be opened for settlement within ten years from the time of such construction.

Settlers to be  
placed on land  
selected and  
adjacent land.

8. The Company shall, in every year during the ten years next after the passing of this Act, place upon their said lands or the lands of the Crown adjacent thereto, at least three hundred male settlers who shall each build or have built for him before or within one year of his being placed upon the said land a house thereon fit for habitation at least sixteen feet by twenty feet, with other necessary buildings, and who (in the case of agricultural settlers) shall also each perform within the time specified by *The Free Grants Act* the settlement duties as to residence, clearing and cultivation by the said Act required in order to entitle a free-grant settler to a patent of two hundred acres of land. Employees engaged in constructing the said lines of railway and artisans, operatives and other employees and settlers now residing in the said districts shall not be included in the designation "settler," but regular employees of the Company and other artisans and operatives in the employment of any mining, industrial or manufacturing establishment in townships or municipalities in the

Rev. Stat.,  
c. 29.

Districts

Districts of Parry Sound, Nipissing and Algoma, through which the railway lines mentioned in section 2 or branches may pass and being actual residents in such townships or municipalities shall be included in the designation "settlers." Provided that every settler's son, who is of the age of 16 years or over, and who resides with his father shall count as a settler within the meaning of this paragraph and the foregoing requirements as to the building of a separate house and other buildings shall not apply in the case of any such settler's son resident with his father.

9.—(1) Upon the completion of that portion of the said railway between the head of deep water navigation on French River and the Town of Sudbury, and upon the completion of each section of not less than ten miles in length of the remaining portion of the railway aided by this Act, then upon the application of the Company, and upon the Company furnishing satisfactory evidence that the number of settlers or proportion thereof required by the Act have been placed on such lands within the meaning of section 8 of this Act for such portion or for each of such sections, the Lieutenant-Governor in Council shall declare that any lands or any portion thereof, which may have been granted to the Company under section 5 or other provisions of this Act shall thereupon be vested in the Company in fee simple and freed from all the conditions mentioned and set forth in section 8 of this Act.

Freeing lands in compliance with conditions.

(2) When lands have been set apart and approved as hereinbefore provided and the portion of the line necessary to entitle the company to one or more blocks of such lands has been constructed, the Commissioner of Crown Lands shall offer for sale by public auction the right to cut the pine timber (if any) on the reserved alternate blocks or on as many successive reserved blocks not less than five as may be approved by the Commissioner of Crown Lands subject to the usual conditions and regulations respecting sales of the right to cut timber on Crown Lands, and the average price per thousand feet board measure realized for such pine timber at the said auction on the reserved blocks shall be the price to be paid as aforesaid by the Company for each thousand feet of pine on the intervening blocks granted to them. The said price shall be paid by the said railway company with and in addition to the Crown dues. A part of the pine on the blocks of the railway company shall be cut each year, and the whole in ten years from the date of such sale on reserved blocks.

Sale of timber rights by public auction.

(3) In case the payments be not made as hereinbefore provided the pine upon the blocks for which it is owing shall revert to the Crown and the right to cut the same may be sold by the Commissioner of Crown Lands in the same manner as he would have been entitled to sell the same if the pine had been reserved in the patents and the Commissioner may issue licenses to cut the same, and such licenses shall confer

Reversion of pine to Crown.



confer upon the licensees the like rights with reference to the pine, and to and upon the lands, as are conferred by licenses to cut timber on Crown Lands subject however to any restriction contained in any such license.

Cutting pine  
on reserved  
blocks.

(4) The right to cut the pine upon the said reserved blocks shall be sold subject to the condition that a part of the same shall be cut each year and that all shall be removed within ten years from the time of sale, or such lesser period as the purchaser may prefer.

Notice to be  
given of inten-  
tion to cut  
pine.

(5) The railway company before cutting or allowing any other person to cut pine on any of the said lands shall from time to time notify the Crown Lands Department of its intention to cut such pine and the localities in which it intends to cut as aforesaid, and shall also make or cause to be made proper measurements and sworn returns of all pine timber cut on the said lands in the same manner and form as is required of licensees by the Crown Timber Regulations, and the regulations from time to time in force in respect of licensees of Crown timber and for securing the due payment of timber dues; and the provisions of any Act of the Legislature which may be in force for the same purpose shall apply to the said railway company and to the pine cut thereon so far as the same can be applied and are not inconsistent with this Act, as if the said company were licensees and the said timber were cut on Crown Lands.

Rates.

10. The rates for passengers and freight which may be charged by the said Company on the said railway, shall be such as may be agreed to by the Lieutenant-Governor in Council, and the Company shall comply with any conditions now or hereafter imposed by any Act respecting the granting of aid to railways.

Rev. Stat., c.  
26, not to  
apply.

11. The provisions of the Act, chaptered 26 of the Revised Statutes of Ontario, 1897, shall not apply to any portion of the lands to be granted to the railway company as aforesaid.

Grants to  
lapse if not  
earned within  
time limited.

12. So much of the land grant hereby made to the said railway as relates to that portion of the said railway lying between the French River and the Town of Sudbury, as shall not be earned before the 31st day of December, 1904, shall lapse and be forfeited, and so much of the land grant to the remaining portion of the said railway aided by this Act, as is not earned before the 31st day of December, 1905, shall lapse and be forfeited.

Running ar-  
rangements  
with other  
companies.

13. The granting of such subsidy and the receipt thereof by the Company shall be subject to the condition that the Lieutenant-Governor in Council may at all times require the company to provide and secure to the Grand Trunk Railway Company, the Canadian Pacific Railway Company and to other railway companies, or any of them, such running powers,

powers, traffic arrangements and other rights over and in respect of the Company's railway as will afford to all railways connecting with the said line so subsidized, reasonable and proper facilities in exercising such running powers, fair and reasonable traffic arrangements with connecting companies and equitable mileage rates between all such connecting railways.

Provided however that the Company shall not be required to provide and secure such powers and rights to any one of the said companies unless and until such company so desiring such rights shall have first agreed in writing with the said Canada Central Railway Company to provide and secure to the said last named company such running powers, traffic arrangements and other rights over and in respect of any portions of such company's lines of railway so applying as the Lieutenant-Governor in Council for Ontario may from time to time deem fair and proper so as to afford to the said Canada Central Railway Company reasonable and proper facilities in exercising such running powers, fair and reasonable traffic arrangements and equitable mileage rates with such company.

**14** If the railway company fail to comply with any of the provisions contained in subsection 5 of section 7 and sections 10 and 13 of this Act it shall forfeit to His Majesty a sum not exceeding \$500 for every day during which such default continues, to be recovered at the suit of the Attorney-General, who shall also be entitled to take proceedings by way of injunction to prevent the infringement of any of the provisions of this Act or to enforce the performance thereof by the Company.

Penalty for violating sections 12-13.

**15.** At any time after the completion of the Company's railway, the Company shall, when required, produce and exhibit to the Commissioner of Public Works or any person appointed by him, all books, accounts and vouchers showing the cost of constructing and equipping the railway and the works connected therewith and all other outlays, the cost of operating the same, and the earnings thereof, and shall, if required, transfer the said railway and the works connected therewith and all its franchises respecting the same, and all rights and titles to the said railway, including terminals, and all its real estate and personal property including leases, contracts of carriage and of every other description whatsoever, used or enjoyed along with, or in relation to said railway as a component part thereof (save and excepting the lands to be granted to the Company hereunder), so far as by law assignable, to His Majesty the King as represented by the Commissioner of Public Works for Ontario, upon being paid the then value of the said railway, works, franchises, rights and property, after deducting the value of the subsidies hereinbefore granted, computed at the rate of 50 cents per acre

Right to expropriate railway.

acre, and after further deducting an amount equal to 50 per centum of any subsidies which now or shall hereafter have been paid to the said Company by the Parliament of Canada, which value to be paid shall not be less than the actual cost of the said purchased property with ten per centum added; and, in the event of dispute as to such value, the same shall be determined by arbitration; provided that to the extent of such purchase price the bonds or debentures of the Company secured by mortgage, the total issue of which shall not in any event exceed the actual cost of the road, shall be continued, and the assumption of the said purchased property by the Crown shall be subject thereto. The said option or right to purchase as aforesaid shall be exercised within fifteen years from the passing of this Act, otherwise this provision shall become null and void.

Agreement to  
be entered  
into by com-  
pany.

**16.** An agreement shall be entered into between His Majesty and the Company embodying the provisions of sections 10, 13 and 15 of this Act, and in and by such agreement it shall be provided that the Company will make an application to the Parliament of Canada for an Act to ratify, confirm and make binding upon the Company and its assigns the provisions of such agreement including the provisions of sections 10 and 13 and in the event of the Company, prior to the passage of such Act of the Parliament of Canada, failing to comply with the provisions of such agreement including the provisions of sections 10 and 13, then any portion of the said subsidies then remaining ungranted may be withheld until the Company complies with such provisions and secures the passage of the said Act of the Parliament of Canada.

2 Edw. VII.  
c. 69, s 50,  
amended.

**17.** Section 50 of *The Act to incorporate The Canada Central Railway Company*, being chapter 69 of the Acts passed in the 2nd year of His Majesty's reign, is amended by inserting after the word "company" in the 6th line the words "The Manitoulin or North Shore Railway Company."



## CHAPTER 6.

## An Act providing for the Construction of Works of Improvement along the Bank of the Upper Niagara River.

*Assented to 12th June, 1903.*

**W**HEREAS it is expedient that the bank of the River Preamble.  
 Niagara between Fort Erie and Chippawa be protected from the wash of the river, and that the highway along the said bank and between said places be improved; and that provision be made for the construction of an electric railway, to be located so that the same shall be laid between the highway, according to the limits hereafter provided, and the river; and whereas agreements having such objects in view and heretofore made between the Commissioners of the Queen Victoria Niagara Falls Park having been wholly disregarded by the parties who had undertaken the performance of such works, it is desirable to secure, without delay, the preservation and continuation of highway facilities over and along the bank of the Niagara River, and also provide electric railway accommodation between the above points;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The expression “the Commissioners,” wherever it occurs herein, shall be understood not only to mean the Commissioners of the Queen Victoria Niagara Falls Park as representing the Government of the Province of Ontario, but also their successors and assigns and those who for the time being may be the commissioners of the Queen Victoria Niagara Falls Park, or any body, minister, or other official to whom the Legislature of Ontario may appoint or require to discharge the duties or exercise the powers of the commissioners. “Commissioners,” meaning of.

2.—(1) The expression “the Company,” wherever it occurs herein, shall be understood to mean any company incorporated or to be incorporated by the Legislature of the Province of Ontario or by this Act, and having no other existence or powers, except by virtue of the said Legislature of Ontario, or any association of persons not less than five, who shall subscribe capital stock to the formation of a body politic or corporate, in pursuance of the provisions of section 52 of *The Electric Railway Act*, to be known by such name as the Lieutenant-Governor “The Company,” meaning of.  
Rev. Stat. c. 209.

nor

nor in Council may approve, or as may be embodied in such agreement or agreements for the construction and operation of the said railway, as herein provided; and the provisions of any Order in Council in that behalf, as to incorporation and powers to be exercised in pursuance of such agreement or agreements, shall have effect as if they had been enacted by the Legislature of the Province of Ontario.

"The Railway," meaning of.

(2) The expression "the Railway," wherever it occurs herein, shall be understood to mean a railway to be constructed, run and operated by electric power and no different or other power, and to be constructed and laid as herein provided.

Powers of Commissioners as to making certain agreements.

3. The Commissioners of the Queen Victoria Niagara Falls Park, with the approval of the Lieutenant-Governor in Council, may enter into an agreement or agreements with any company as hereinbefore defined:

(a) To improve and maintain the bank of the Niagara River so that the same shall be protected against the wash of the river:

(b) And to preserve, improve and continue highway facilities between the Village of Fort Erie and the Village of Chippawa:

(c) And to grant to the Company, by way of license for the term of twenty-one years and renewable for one further period of twenty-one years on the request of the Company, as may be agreed upon, or as hereinafter provided and for certain considerations, the right to construct and operate a first-class Electric Railway, with double tracks along the river bank, or upon some part of the river bank on which the allowance for road along the river is laid, in whole or in part, from a point at or near Queen street in the Village of Fort Erie, to a point in the Township of Willoughby within or near the Village of Chippawa, or in sections between the said points.

Railway excepted from Dominion Acts.

4. The said Electric Railway as so constructed is declared as passing over the property of the Province of Ontario described in *The Railway Act of Canada*, chapter 29 of the Statutes of 1888, Section 6 A. 2, lying upon or along the Niagara River and known as the Chain Reserve.

Construction of railway in sections by different companies.

5. In the event of the Commissioners granting the right to construct and operate the line of Electric Railway, between Fort Erie and Chippawa in sections, or the right to construct and improve the highway as herein specified in sections, as part of the consideration of such grant, so much of the provision herein relating to "the Company" as described by Section 2 of this Act, as may be required and necessary to description and qualification or the formation of a Company and the exercise of powers by any such Company as therein

described

described shall be applicable to any grantee of such rights to any section; and the provisions of this Act shall apply equally and in common to any such grantees in their corporate capacity, as thereby provided for the creation of a Company.

6. The construction of the Railway, and its operation, and the improving, grading and forming of the highway, including the acquisition of land required for the construction and location of the Railway or of the highway as herein provided shall be in accordance with the provisoes, conditions, agreements and recitals in this Act and the schedules thereto contained, and, such further or other provisions as the Commissioners, under the approval of the Lieutenant-Governor in Council may deem expedient or to be in the public interest to be entered into and made, Construction to be in accordance with specifications in Schedule.

7. The rental to be paid to the Commissioners for the rights and privileges hereby granted for the period of twenty-one years, shall be the subject of special agreement to be embodied in any agreement or agreements entered into with the Lessee or Lessees under the provisions of this Act. Rental to be agreed upon.

8. The several clauses of *The Electric Railway Act* and of every Act in amendment thereof shall be incorporated with and be deemed to be part of this Act, except as hereinafter excepted, and shall apply to the Company and to the Railway to be constructed by them, except so far only as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein shall be understood to include the clauses as hereby limited of *The Electric Railway Act*, and of every Act in amendment thereof so incorporated with this Act; the Company shall not be affected by any provisions in *The Electric Railway Act* contained, which may be at any time repealed, or be declared to be without the powers of the Legislature of Ontario, and the powers in section 11 shall extend to enable the Company or the Commissioners acquiring land required to widen the highway, or for other purposes of improvement thereof, as by paragraph 4 of the schedule of this Act is provided—but free from the restrictions in subsection 6 of said section. Application of Rev. Stat. c. 209.

9. The following sections of *The Electric Railway Act* are declared not to apply to this Act, nor affect the rights, powers and duties of the Company, in respect of the matters by the said agreement or agreements agreed to be done, observed or performed: Certain provisions of Rev. Stat. c. 209 excepted.

Section 9, subsection 1, c., so much as but for this Act would apply to the location of the line, as provided by section 2 hereof:

Section



Section 9, subsection 1, k., relating to the acquisition of lands for parks.

Sections 18, 36, 37, 42.

63 V. c. 15  
repealed in  
part.

**10.** So much of the Act passed by the Legislature of Ontario in the sixty-third year of the reign of Her late Majesty Queen Victoria, and chaptered 15, as relates to the approval, ratification and confirmation of the agreement between the Commissioners for the Queen Victoria Niagara Falls Park and the Fort Erie Ferry Railway Company, a copy of which is contained in the schedule to the said Act is hereby repealed: and the said agreement is hereby declared to be null and void.

Filing plans  
under 63 V.  
c. 15, declared  
of no effect.

**11.** Plans of the location of the highway and of the profile thereof, or plans and book of reference of the Railway, which have been or may have been submitted for approval under section 35 of the said agreement, and any approval of the Lieutenant-Governor in Council of the construction of the branch or extension of the railway from the Village of Fort Erie to the Village of Chippawa, which may have been obtained in pursuance of the Act of 1897 respecting the Fort Erie Ferry Railway Company, are hereby declared to be void and of no effect.

57 V. c. 13,  
ss. 2, 3, 4 re-  
pealed.

**12.** Sections 2, 3 and 4 of the Act passed by the Legislature of Ontario in the fifty-seventh year of the reign of Her late Majesty Queen Victoria and chaptered 13 are hereby repealed, and the agreement dated seventh May, 1894, made in pursuance of said sections, is hereby declared to be void and of no effect.

Rights of  
access for  
commercial  
works pre-  
served.

**13.** In the event of the Government of Ontario at any time granting access over the River Bank, or the highway thereon, or the Railway to be built under the agreement to be made under this Act, to the water lots along the bank, foreshores, or bed of the Niagara River for commercial works or purposes, such grant shall be subject to such compensation to be paid to the Commissioners and the Company, as the Lieutenant-Governor in Council may deem reasonable, and the construction by the applicants or grantees of such access, at their cost, of such works of restoration and maintenance thereof, as the Lieutenant-Governor in Council shall deem to be adequate to continue and preserve the working of the Railway and the free use of the highway or such other highway constructed in substitution thereof to all persons using the same; the compensation to be paid shall be in lieu of indemnity to the Company for expenditure incurred, but not for any allowance for the franchise of railway traffic or of access to the river.

14. Any expenditure which the Commissioners may have made or incurred, or may find necessary to make towards all or any of the following purposes, viz :—

Commissioners authorized to do certain works for protection of park.

For the immediate preservation of any part or parts of the bank of the Niagara River, against erosion, wash or other action by nature affecting, or which may affect, the same,

For the immediate repair or construction of any part or parts of the highway or for widening the same,

For the purchase of such land as may be necessary, or the acquisition by expropriation, for any of the foregoing purposes,

Such expenditures may be required to be repaid by the terms or considerations of the said agreements.

15. The construction, widening and grading of the highway, together with the acquisition of the lands necessary for widening, shall be proceeded with reasonable despatch and the completion of the highway, in accordance with the profile and specifications in this Act contained, shall be fully done by a day in the agreement, or agreements, to be named, and the Railway shall be completed and fit for public traffic, on or before four years from the date of the agreement, and if the said works are not completed by the parties, by agreement having undertaken to do and perform the same, within the times respectively required to be done and completed, then the powers in the agreement provided and granted shall cease and be null and void, and the Lieutenant-Governor in Council may declare the said agreement, the licenses, powers and authorities so granted and every of them to be forfeited and void and thenceforth after such declaration the same shall cease and determine and be utterly void and of no effect whatever.

Time for completion of works.

16.—(1) This Act is hereby declared to be the special Act, in so far as such definition or expression is required by *The Electric Railway Act*.

Act declared to be "a special Act."

(2) The Company shall have a capital in stock of five hundred thousand dollars, and its head office, until otherwise ordered by the directors, shall be at the Town of Niagara Falls.

Capital stock.

(3) The number of directors shall be five.

Number of directors.

17. The Company shall not agree, suffer or permit the Railway to join or unite, or be joined or united with any other railway or bridge, in any case in which it is proposed that the Railway of the Company shall join or unite with or be joined or united with a railway or bridge, under the Legislative control of Canada; and the Company shall not agree, suffer or permit the cars and carriages of the Company to run over any other railway or bridge, under the Legislative control of Canada or over any other railway or bridge which shall be joined

Company not to amalgamate, etc., with Dominion companies.

joined or united with a railway or bridge under the Legislative control of Canada, or agree, suffer or permit the cars or carriages of such last mentioned other railways or bridges, or either of them, to run over the railway of the Company.

Forfeiture for  
contravention  
of section 17.

18. And if the Company shall join or unite with any railway or bridge under the Legislative control of Canada, or with any other railway or bridge which shall join or unite or be joined or united with a railway or bridge under the Legislative control of Canada, or if the Company shall agree, suffer or permit the cars and carriages of the Company to run over any other railway or bridge, under the Legislative control of Canada, or over any other railway or bridge which shall be joined or united with a railway or bridge under the Legislative control of Canada; or shall agree, suffer or permit the cars and carriages of the other railways, or bridges last mentioned, under the Legislative control of Canada, or either of them to run over the railway of the Company, the Lieutenant-Governor in Council may in either or any of the said cases then, and from thenceforth declare this agreement, the liberties, licenses, powers and authorities hereby and thereby granted and every of them to be forfeited, and thenceforth the same shall cease and determine and be utterly void and of no effect whatever; and of such joining or union, or of such running of cars and carriages, in fact of any of the foregoing cases, and whether or not the right to declare any previous forfeiture in any such cases had or had not arisen, and when or how the same or any acts amounting to the right to exercise such forfeiture should be acted on, the Lieutenant-Governor in Council shall decide and determine, and such decision and determination shall be final.

Agreements to  
include  
specifications  
in Schedule.

19. The agreement, or agreements, hereinbefore authorized to be made by the Commissioners, in case any part of the works hereby described, shall relate to the construction or operation thereof in sections, shall embrace respectively the provisions contained in the schedule hereto attached, without any omission or variation of such provisions, which said schedule shall be read as part of this Act.

Agreements  
to be approved  
by Order-in-  
Council.

20. The agreement, or agreements, herein authorized to be made by the Commissioners of the Queen Victoria Niagara Falls Park shall have no force or effect until approved by the Lieutenant Governor in Council.

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## SCHEDULE.

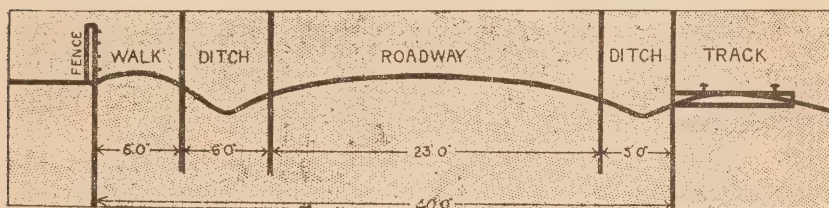
1. The railway shall be laid on the east, or river side, of the common way for public use, according to the limits hereafter provided, on such line as the Commissioner of Public Works for the Province of Ontario shall determine; and for that purpose shall

be



be allowed 26 feet in width thereof, subject to the uses hereinafter specified, and measuring from the tracks of the railway on the west as the location of the railway is above defined. The space for unobstructed highway traffic shall not at any time during the continuance and existence of this agreement, or at any point, be less than 40 feet in width west of the west berm of the railway, except where lessened in the discretion of Commissioner of Public Works as hereinafter provided, so that the common and public use for highways may pass freely over and along the highway as heretofore, between the farms and private lands on the one hand, and the railway on the other, subject to rights of passing over the railway, as by law, or as hereinafter specified. The location of the line shall be subject to constructing such works of protection against the action of the current of the River Niagara as the Commissioner of Public Works may deem to be expedient or necessary.

2. The said highway within the width of 40 feet, shall be graded, shaped and rolled to a hard finish for the entire distance between the point of beginning of the railway at Fort Erie to Chippawa as and for a turnpike road, according to the cross-section shown herewith, providing sufficient cross-drainage of a permanent character, and providing all necessary bridges of the full width of the road as in the cross-section shown, namely, 23 feet width in clear, with a six foot wide sidewalk on said bridges in addition :



3. Whatever land may be required to secure such width of 40 feet at any time during the continuance and existence of this agreement west of the western berm of the railway, excepting the special provision between the point of commencement in the Village of Fort Erie to the northern boundary of the Village of Bridgeburg, shall, if the same form any part of the land of proprietors (or other than of the commissioners) be procured by the Company, by or under any powers which are exercisable by this Act. Between the point of commencement and the northern boundary of the Village of Bridgeburg, the Company shall not be required to appropriate land for widening the highway to the full width of 40 feet as hereinbefore stipulated, but the railway tracks shall be so located as to leave a clear width of roadway for vehicular traffic of at least 23 feet and a six foot sidewalk to the west thereof.

4. Any land which may be required in order to make and maintain the highway of the full width above specified and defined, or wherever any land is required for such highway or railway, other than by the grant by the Commissioners by these presents made, such land shall by such requirements become dedicated for use for highway purposes, or for railway purposes, as the case may be, in accordance with these presents, but the title thereof, if not so already, shall be made to the Commissioners as and for the public uses of the Province, but subject to highway uses :

Fences, including gates, shall be erected by the Company along the division or boundary line of the highway and the land of the proprietor, where land shall have been taken from the proprietor for the purpose of widening highway, within two months from the time of such taking, unless the proprietor shall by writing extend such time, such fences shall be of the same style as are upon and exist at the time of such taking, or the same fences shall be moved and re-erected, if such removal, including the gates, can be removed satisfactorily, and made not less good than previously to the taking as aforesaid.

5. The highway as now located or as may be placed on lands acquired for its improvement, including the part occupied by the railway notwithstanding where or in whom the title to the soil and freehold may be vested, shall be under no control other than that of the municipalities within which its several parts are situate, in accordance with the provisions of *The Municipal Act*, except as by these presents varied.

6. Wherever there is or may be a public highway across the highway as by this Act located to the water's edge of the Niagara River, the same shall be kept open, maintained and repaired by the Company during the existence of this agreement.

7. The railway tracks shall be subject to free passage over the same at such highway crossings and to the waters of the river for domestic purposes or watering stock, where such uses shall not trespass upon any private right; and all persons using the highway upon which the railway is laid, or adjacent, shall be at liberty to travel upon any portion of the highway occupied by the railway, provided that the running of the railway carriages or other conveyance of the Company are not unduly impeded or interfered with in such running; and in all cases carriage or other vehicle on the railway track shall immediately, by leaving the track, give place to the railway carriages or other conveyances of the Company.

8. The rights of the Company hereby granted or conferred, shall be subject to the exercise by the Government, of grants of passing over or under the railway, and granting access to the lands or water lots of Ontario along the bank, foreshores, or bed of the Niagara River, for any purposes whatever; the rights of the Company hereby granted or conferred shall also be subject to any grants, public rights, or private rights which may have been heretofore granted by the Dominion or any Provincial Government.

9. The said Railway is to be four feet eight and a half inches gauge, and is to be laid with steel rails of not less than 65 pounds to the lineal yard, fastened with fish plates, the formation, ballast, bridges and all other structures to be approved of by the Commissioner of Public Works for the Province of Ontario.

10. No buildings or sheds shall be erected upon the river bank without special permission of the Commissioners and no work shall be carried on thereon that will in any way disfigure the river bank, of which works, whether disfiguring or not, the Commissioners are to be sole judges.

11. The river bank shall not be encroached upon, nor the line on which the Railway shall be located, as determined by the Commissioner of Public Works, for the purpose of constructing or building the Railway or any part thereof until the formation and construction of the highway of forty feet in width, in accordance with the profile thereof, and the bridges of such highway shall have been completed to the satisfaction of the Commissioner of Public Works and ready for public use, and the acquisition of the land, which may have to be acquired for the width provided under this agreement, shall have been validly acquired and vested in the Commissioners as herein provided.

12. The construction of the highway or any work thereunto appertaining, shall not be commenced until plans of the location of such highway, and of the profile thereof, and until the location of the Railway and the profile thereof, and the plans and specifications of all the intended works and bridges thereunto appertaining, shall have obtained the approval of the Commissioner of Public Works.

But this restriction shall not apply to the construction of any works connected with the highway which the Commissioners may deem necessary to be proceeded with, at any time before the construction of any such works, shall have been committed to others under the powers of this Act.

13. The approval of the Commissioner of Public Works as last aforesaid is not to affect the observance of all the provisions of the laws of Ontario, in so far as the same are applicable by virtue of any of the Acts of the Legislature of Ontario affecting the said railway.

14. The Commissioner of Public Works, with a view to enable the building of the Railway being expedited, may define portions of the Railway (the location and specification whereof having been duly approved) the construction of which may be commenced before the whole of the highway has been completed, provided that contiguous to such defined portions of the railway, the land, if any required for widening the highway has been obtained, and that the public use of the highway contiguous to such defined portion of the railway shall not be obstructed or impaired.

15. The railway shall be constructed, operated or worked upon its located line and its traffic shall be so arranged as to impede or incommode the public use of any street, highway, or public place as little as possible, and so as not to be a nuisance thereto, nor to interfere with the free access to any house or other building erected in the vicinity of the same, nor to endanger the same.

16. The railway tracks are to be laid as hereinbefore provided and to such grade as will conform to the level of the highway. If at any point the Company should desire to elevate or depress the tracks above or below the general highway level, and the Commissioners deem the same to be proper, the slope to be given the side bank separating the track from the highway shall not be less than two and one half horizontal to one vertical, and the slopes neatly trimmed and sown in grass. The Company shall protect the shore of the river at all points where the eroding action of the water may in any way endanger the stability of the railway; the method of such protective works to be approved of by the Commissioners before being carried out.

*Provisions relating to Rent and Renewal of Lease.*

17. The expression "the Company" shall apply to any Corporation grantees of the right to operate the railway between Fort Erie and Chippawa, or of any portion thereof.

18. The rent shall be paid, although the Company may not by virtue of this agreement be able to exercise the rights and powers to construct and operate the said railway, it being understood that the Commissioners do not guarantee the rights, interests, and franchises hereby conveyed to the Company, and do not covenant for the quiet enjoyment thereof, except as against the acts of the Commissioners and their successors, and any one claiming by, through or under them.

19. At the end of the first term of twenty-one years the said term shall be renewable on the request by the Company for a further period of twenty-one years as may be agreed upon, or as hereinafter provided.

20. If at the end of the said first term or period of twenty-one years the parties hereto cannot agree as to the amount for rental for each year of such further period, such rental shall be ascertained by three arbitrators or a majority of them, one of whom shall be named and appointed by the Commissioners, another by the Company (the parties hereto of the second part) and the third by the Chief Justice or senior presiding Judge of the Provincial Court of ultimate appellate jurisdiction for Ontario. The proceedings of and before such arbitrators shall be subject to the provisions of law relating to "References by consent out of Court" contained in the Revised Statutes of Ontario 1897, chapter 62, respecting arbitrations and references. Either party to such arbitration may appeal in accordance with the provisions of the aforesaid Revised Statute respecting arbitration and references.

21. If the Company desire to renew for such further period of twenty-one years, notice of such desire to renew shall be given by the Company to the Commissioners in writing at least twelve months before the expiration of the first term or period of twenty-one years.

22. If at the end of the said first period of twenty-one years, the Company decline or are unwilling to renew, or at the end of the second period of twenty-one years, if the Company continue to hold for such second  
period



period, the Company shall be duly compensated by the Commissioners for their railway, machinery and other works (between the points over which the same is licensed to be constructed by virtue of this agreement and being in and upon the lands under this agreement licensed), including the equipment, but not in respect of any franchises for holding or operating the same, such compensation to be fixed by mutual agreement, or in case of difference by arbitration as in paragraph 20 of this schedule, but the failure before the expiration of any such term to fix such compensation in manner aforesaid, or to pay before such expiration, the amount of compensation so fixed, shall not entitle the Company to retain possession meanwhile of the said railway, equipment, machinery and works, by this agreement to be constructed or operated, but the same shall nevertheless and notwithstanding that the Commissioners may have taken possession thereof, remain subject to such liens and charges save as to possession as aforesaid, as may exist in favour of bond-holders or debenture holders of the Company, and the Company shall retain a lien or charge thereon, save as to possession as aforesaid, for compensation of their railway equipment, machinery and works to be agreed upon as aforesaid or so to be awarded to them, provided however, that all such liens and charges shall not exceed the amount that may be agreed upon or may be awarded for such compensation as aforesaid.

23. The compensation to be made to the Company in respect of the matters contained in the next preceding paragraph of this agreement, according to its provisions under the contingencies therein specified, shall include the prices paid to the proprietors of the lands to be acquired to build the railway, and to restore or widen the highway; which the Company will have to acquire, and which the Commissioners do not now hold, and also the amount actually paid for grading and making the highway and its bridges in accordance with the provisions and specifications contained in paragraph 2 of this schedule.

24. The particulars of the prices paid for land, and the amount paid for making the highway and its bridges shall be furnished to the Commissioners within six months after the same shall have been paid by the Company.

For all railway equipment, machinery and works provided, and the amount expended during the continuance of this agreement and its term of extension, if extended under its provisions and which has been expended in each year, the Company shall annually furnish to the Commissioners particulars of such expenditure, and if not furnished within one year after expenditure, such expenditure shall not form an item or outlay for which the Company at the expiration of this agreement or the extension thereunder shall be compensated, but no interest on any of the foregoing expenditures or outlays shall be claimable by the Company or recoverable as part of the compensation to be paid or allowed, and the valuation of the railway and works done, and equipment, shall be upon the condition of such railway and works and their actual value at the expiration of this agreement.

25. The rents agreed to be paid are hereby declared to be and shall be the first and preferential charge upon the railway and works, and the Company shall not create any lien, charge or encumbrance upon the railway or works, or any of them by bond, debenture mortgage or otherwise, nor suffer any mechanic's lien to be created, which will interfere with or prevent the Commissioners from procuring payment of the rent hereby reserved, or any part thereof, and no simple contract creditor or any other creditor of the Company is to have any claim against the railway or works, or any part thereof, in priority to the claim of the Commissioners for rent.

26. Provided always that if any of the rent, whether payable as agreed for the first term or in respect of renewal term in paragraph 20 of this schedule, or by paragraphs subsequent and supplementary thereto, shall be in arrear for three months, whether legally demanded or not, the Commissioners, or if not then an existing corporation, the Government

of the Province of Ontario may enter into and upon the railway or any part thereof in the name of the whole, and thereupon this agreement shall terminate and the remainder of the term then current shall terminate as well as any renewal thereof, which under this agreement may be claimed.

27. In respect of all rights and authorities which the Commissioners by this agreement have conferred or have agreed to confer upon the Company to exercise in and about the execution of the works to be constructed, and operating and working the same, or of all other matters of any kind whatever herein agreed upon, the Company will indemnify the Commissioners in respect of the exercise of said rights by the Company, or of any acts done by the Company in pursuance of any of the matters herein contained, and will hold the Commissioners free from any liability to any person or persons whomsoever.

28. And provided that should the title of the Commissioners, or of the Crown, to any portion or portions of the lands hereby licensed to be occupied by the Company be found to be defective, neither the Company nor its successors or assigns shall have any claim in respect thereof by virtue of anything contained in these presents.

## CHAPTER 7.

## An Act to amend the Statute Law.

*Assented to 12th June, 1903.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

**1.** This Act may be cited as *The Statute Law Amendment Act, 1903*.

Rev. Stat.  
c. 1, s. 8,  
amended.

**2.** Section 8 of *The Interpretation Act* is amended by adding thereto the following sub-section:—

Holiday.

16a. Whenever a holiday falls on a Sunday then the day next following shall be in lieu thereof a legal holiday throughout Ontario and shall be kept and observed as such under the same name.

Rev. Stat.,  
c. 7, s. 8,  
amended.

**3.** Section 8 of *The Ontario Voters Lists Act* is amended by adding thereto the following:—

(i) "The Registrar of Deeds of the Registration Division in which the municipality is situate."

Rev. Stat.  
c. 9 s. 169  
subs. 2  
repealed.

**4.** Subsection 2 of section 169 of *The Ontario Election Act* is hereby repealed.

Rev. Stat. c.  
9, s. 171  
amended.  
Appeal.

**5.** Section 171 of *The Ontario Election Act* is amended by adding thereto the following sub-section:—

(4) Where the trial judges disagree as to a corrupt practice having been committed by a candidate or his agent there may be an appeal as provided in section 56 of *The Ontario Controverted Elections Act*, and the Court of Appeal, if of opinion that a corrupt practice was committed, shall, unless such court decides that the case falls within sections 172 or 174 of this Act, declare the election void, but in such case the candidate shall not be disqualified.

Rev. Stat., c.  
12, s. 8,  
amended.

**6.** Section 8 of *The Act respecting the Legislative Assembly* is amended by adding thereto the following sub-section:—

Certain  
persons not  
disqualified.

(5) Nothing in this section shall render ineligible or disqualify to sit and vote in the Legislative Assembly any person holding any temporary employment in the service of the Dominion of Canada requiring professional skill.



7. Subsection 1 of section 15 of *The Agriculture and Arts Act* is hereby amended by adding after the word "organized" in the second line of the said subsection the words "And all Union Societies now or hereafter formed under section 23 of this Act."

Rev. Stat.  
c. 43, s. 15,  
sub. 1  
amended.

8. Subsection 1 of section 23 of *The Agriculture and Arts Act* is hereby amended by adding thereto the following:—  
"The Societies so uniting shall form a Union Society having all the powers conferred by this Act upon a Township or District Society, and the members of the societies so uniting shall become members of the Union Society."

Rev. Stat.  
c. 43, s. 23 subs.  
1 amended.

9. Subsection 1 of section 45 of *The Agriculture and Arts Act* is amended by striking out the words "in case of a city \$3,000" occurring in the 12th line of the said subsection.

Rev. Stat.,  
c. 43, s. 45,  
subs. 1,  
amended.

10. Subsection 5 of section 5 of chapter 54 of the Revised Statutes of Ontario, 1897, is amended by adding at the end thereof the following words:—"Nor to the District of Nipissing."

Rev. Stat.  
c. 54, s. 5  
subs. 5  
amended

11. Section 6 of *The Surrogate Courts Act* is amended by adding thereto the following subsection:—

Rev. Stat.,  
c. 59, s. 6,  
amended.

(3.) Where a Judge of a County Court who is also Judge of the Surrogate Court vacates his County Court Judgeship, he shall thereby vacate his Judgeship of the Surrogate Court.

Resignation of  
County Judge  
to include  
Judgeship of  
Surrogate  
Court.

12. Subsection 4 of section 83 of *The Surrogate Courts Act* is hereby repealed and the following substituted therefor:—

Rev. Stat. c.  
59, s. 83,  
subs 4  
amended.

(4) Notwithstanding the provisions of subsection 3 of this section or of section 84 of this Act the Lieutenant-Governor in Council may, with the consent of the Judges of the counties of York, Carleton and Wentworth, commute their fees and direct payment to them and to the Junior Judges of the said counties, of such sums as may be fixed by the Order-in-Council in that behalf, provided, that in no case shall such Order-in-Council name any sum, or sums, in the aggregate exceeding the receipts for fees during some preceding year.

Commutation  
of fees of  
judges in  
Counties of  
York, Carle-  
ton and  
Wentworth.

13. Schedule B of *The Surrogate Courts Act* is amended by striking out the last three items in the said schedule and substituting the following therefor:—

On every order or appointment .....\$0 50  
On every special attendance or attendance upon  
an appointment when the audit is adjourned...1 00  
On every audit where the total of the accounts to be  
audited is under \$1,000 .....1 00  
per hour, but not more than \$2,00 on any day.

On

On every audit where such total exceeds \$1,000, but is under \$10,000 ..... \$1 00  
per hour, but not to exceed \$5.00 on any day.

On every audit where such total exceeds \$10,000, but is under \$50,000 ..... 1 50  
per hour, but not to exceed \$6.00 on any day.

On every audit where such total exceeds \$50,000... 2 00  
per hour, but not to exceed \$10.00 on any day.

For every day's sitting in contentious or disputed cases, similar fees to those allowed in cases of audit.

Rev. Stat., c. 61, s. 66, amended. **14.** Subsection 2 of section 66 of *The Jurors' Act* is repealed, and subsection 1 of the said section is amended by inserting after the word "jurors" in the 7th line thereof the words "as in their opinion are required or."

Rev. Stat., c. 61, s. 52, amended. **15.** Section 52 of *The Jurors' Act* is amended by inserting after the word "resolution" in the first line of the said section the words "to be passed at the meeting provided for by section 13."

Rev. Stat. c. 62, s. 8, repealed. **16.** Section 8 of *The Arbitration Act* is repealed and the following substituted therefor:—

Power to supply vacancies.

8. Where a submission provides that the reference shall be to two arbitrators, one to be appointed by each party, or where a submission provides that the reference shall be to three arbitrators, one to be appointed by each party and the third to be appointed by such two arbitrators or by any other person or in any other manner, or where a third arbitrator has been appointed under this Act, then unless the submission expresses a contrary contention,

(a) If either of the arbitrators appointed by the parties refuses to act, or is incapable of acting, or dies, the party appointing him may appoint a new arbitrator in his place.

(b) If either party fails to appoint an arbitrator either originally or after an arbitrator appointed by him refuses to act, or is incapable of acting, or dies, in substitution for such arbitrator for seven clear days after the other party, having appointed his arbitrator, has served the party making default with notice to make the appointment the Court or a Judge may on application by the party who gave the notice appoint an arbitrator who shall have the like powers to act in the reference and to make an award as if he had been duly appointed by the party so in default. The Court or Judge upon the hearing of such application upon such terms as may be deemed proper, may permit the party in default to appoint an arbitrator to act for him.

(c) If a third arbitrator refuses to act or is incapable of acting or dies a new third arbitrator may be appointed in the same manner as the third arbitrator was originally appointed  
or

or the Court or a judge may upon the application of either party appoint a third arbitrator who shall have the like power to act in the reference and make an award as if he had been appointed by consent of all parties.

**17.** Section 10 of *The Execution Act* as enacted by section 9 of chapter 7 of the Acts passed at the second session held in the 62nd year of the reign of Her late Majesty, is hereby amended by inserting therein after the word "stock," the following words, "And also all rights under Letters Patent or any equitable or other right, property, interest or equity of redemption therein." Rev. Stat. c. 77, s. 10, amended.

**18.—(1)** Subsection 1 of section 17 of *The Execution Act* as enacted by subsection 2 of section 9 of chapter 7 of the Acts passed at the second session held in the 62nd year of the reign of Her late Majesty is hereby amended by inserting after the word "chattels" therein wherever the same occurs the words "or personal property." Rev. Stat. c. 77, s. 17, amended.

(2) The said section 17 is further amended by adding thereto the following additional subsection :—

(3) No purchaser from a sheriff or other officer of the equity of redemption in any personal property attached seized or sold under the provisions of section 10 hereof or this section shall be personally liable to pay or satisfy any mortgage or other encumbrance upon or affecting the goods chattels or personal property. Purchaser of equity of redemption not to be liable for principal debt.

**19.** Subsection 2 of section 36 of *The Act respecting Police Magistrates* is amended by adding thereto the words "but this subsection shall not apply to a deputy or second police magistrate." Rev. Stat., c. 87, s. 36, subs. 2, amended.

**20.** Section 7 of *The Ontario Summary Convictions Act* is amended by inserting after the word "Ontario" in the sixth line of the said section the words "or by an order dismissing an information or complaint relating to any such matter." Rev. Stat. c. 90, s. 7, amended.

**21.** Section 9 of *The Ontario Summary Convictions Act* is amended by inserting in subsection 2 after the words "the appeal shall" the words "at the latest" and by adding the following subsections :— Rev. Stat. c. 90, s. 9, amended.

(3) The appeal shall be heard by the Chairman of the Court of General Sessions without a jury unless upon application of either party the Chairman shall otherwise order. Appeal, how to be heard.

(4) The Chairman of the Court of General Sessions shall have power to hold a special sitting of the Court at such time Special Court for hearing appeal.



as he may appoint for the hearing of any such appeal if the same is to be heard without a jury.

Rev. Stat. c.  
97, s. 1,  
amended.

**22.** Section 1 of *The Act respecting Coroners* is amended by adding thereto the following subsections:—

Appointment  
of Coroner for  
Toronto by  
Lieut.-Gov-  
ernor and  
powers of.

(2) The Lieutenant-Governor may from time to time appoint a coroner, to be designated "the Coroner for the City of Toronto," and from and after such appointment all coroners or associate coroners theretofore or thereafter appointed in and for the County of York shall as to the City of Toronto have and exercise within the City of Toronto the powers only of associate coroners for the said city, but this shall not limit the power of the Lieutenant-Governor to make further appointments of associate coroners for the City of Toronto from time to time. The powers and duties of the Coroner of the City of Toronto appointed under this sub-section, and of all associate coroners in the said city respectively, shall be defined by and shall be exercised subject to such regulations as may from time to time be made by the Lieutenant-Governor in Council.

(3) Whenever the death of any person appears to have been caused by an accident occurring upon a street or highway in the City of Toronto in the operation of any railway or street railway or electric railway on or across any street or highway the Crown Attorney for the County of York shall direct the coroner or one of the associate coroners in the said city to hold an inquest upon the body of the person so dying, and the coroner or associate coroner to whom such direction is given shall issue his warrant and hold an inquest accordingly.

(4) Section 4 of this Act shall not apply to or be in force as to inquests in the City of Toronto under the foregoing provisions of this Act, nor as to investigations held in the City of Toronto under section 6 of this Act.

(5) The Coroner for the City of Toronto shall be paid such salary, not exceeding \$1,500, as may be fixed by Order in Council and the same shall be paid by the city half-yearly and shall be in lieu of all fees which would otherwise be payable to him and the city shall be entitled to be reimbursed out of the Consolidated Revenue Fund as to one-half the amount of such salary.

Imperial  
Coroner's Act,  
1867, s. 7.

(6) Any coroner within whose jurisdiction the body of a person is lying upon whose death an inquest ought to be held may hold the inquest.

Rev. Stat., c.  
101, s. 2,  
amended.

**23.** Section 2 of *The Act respecting the Fees of Officers engaged in the Administration of Justice* is amended by inserting at the end of the third line of the said section the words "County Crown Attorneys" and the schedule to the said Act is amended accordingly by inserting the said words after the words "Clerks of the Peace" occurring in the headings of the said schedule.

**24** Section 3 of *The Act to provide for the Payment of Witnesses for the Crown* is amended by inserting after the word "but" in the 11th line of the said section the words "in the case of witnesses other than expert witnesses."

Rev. Stat. c. 105, s. 3, amended.

**25.** Clause (b) of subsection 1 of section 5 of *The Trustee Investment Act* is amended by striking out in the 7th line of the said clause the figures "\$100,000" and inserting in lieu thereof the figures "\$200,000."

Rev. Stat. c. 130, s. 5, amended.

**26.** Section 28a of *The Trustee Act* added thereto by section 18 of *The Act to amend the Statute Law* passed in the sixty-third year of the reign of Her late Majesty, chapter 17, is hereby amended by inserting the words "or by an order of any Court" after the word "writing" in the second line thereof.

Rev. Stat. c. 129, s. 28a, amended.

**27.** Section 43 of *The Trustee Act* is hereby amended by adding thereto the following subsection:—

Rev. Stat. c. 129, s. 43, amended.

(2) Where a barrister or solicitor is a trustee or an executor or an administrator and has rendered necessary professional services to the estate, regard may be had in making the said allowance to such circumstance, and such allowance shall be increased by such amount as the court, judge, master or referee may consider to be fair and reasonable in respect of such necessary professional services; provided that nothing in this subsection shall affect pending litigation.

Allowance to barrister or solicitor trustee for professional services.

**28.** Subsection 2 of section 7 of *The Registry Act* is amended by striking out the words "registry books" in the first line thereof and by adding at the end of the said subsection 2 the following:—"The Registrar of West Toronto shall deliver to the Registrar of East Toronto all registry books containing a majority in number of instruments affecting lands in East Toronto and the Registrar of East Toronto shall thereupon make and deliver to the Registrar of West Toronto copies of all instruments in such books which affect lands solely in West Toronto. The Registrar of West Toronto shall retain all registry books containing a majority in number of instruments affecting lands in West Toronto and shall make and deliver to the Registrar of East Toronto copies of all instruments in such last mentioned books which affect lands solely in East Toronto. The registrars for making such copies of instruments shall be entitled to retain out of the percentages or surplus fees payable under section 127 hereof such sums as the Inspector of Registry Offices shall certify."

Rev. Stat., c. 136, s. 7, subs. 2, amended.

**29.** Section 11 of *The Act respecting Assignments and Preferences by Insolvent Persons* is repealed and the following substituted therefor:—

Rev. Stat., c. 147, s. 11, amended.

11. An assignment for the general benefit of creditors under this Act shall take precedence of attachments, of garnishee

Assignments to take precedence of attachments, &c.

nishee orders, of judgments, and of executions not completely executed by payment and of orders appointing receivers by way of equitable execution subject to the lien, if any of an execution creditor for his costs where there is but one execution in the Sheriff's hands or to the lien, if any, for his costs of the creditor who has the first execution in the Sheriff's hands.

Rev. Stat.  
c. 148, s. 10,  
amended.

**30.** Section 10 of *The Bills of Sale and Chattel Mortgage Act* as amended by section 19 of *The Act to amend the Statute Law* passed in the sixty-third year of the reign of Her late Majesty is repealed and the following substituted therefor:—

Affidavits  
of bona fides.

10. The affidavit of *bona fides* required by this Act and the affidavit required upon the renewal of a chattel mortgage may be made by one of two or more bargainees or mortgagees, and if a mortgage be made to a company the said affidavits may be made by the president, vice-president, manager, assistant manager, secretary, or treasurer of such company, or by any other officer or agent of such company duly authorised by resolution of the directors in that behalf. Any such affidavit made by an officer or agent shall state that the deponent is aware of the circumstances connected with the sale or mortgage, as the case may be, and has personal knowledge of the facts deposed to.

Rev. Stat., c.  
168, ss. 11 and  
12, amended.

**31.**—(1) Section 11 of *The Act respecting Infants* is amended by inserting after the word “estate” in the ninth line of the said section the words “if any.”

(2) Section 12 of *The Act respecting Infants* is amended by adding thereto the following words:—“whether the said infant is or is not entitled to any property.”

Rev. Stat.  
c. 168, s. 21  
amended.  
Fees when  
estate under  
\$400.

**32.** Section 21 of *The Act respecting Infants* is amended by adding thereto the following subsection:—

(2) The fees to be charged to applicants for all proceedings and services where the whole estate and effects do not exceed in value the sum of \$400 shall not in any one case exceed the sum of \$2.

Rev. Stat.  
c. 175, s. 1  
amended  
Power to  
impose  
restrictions.

**33.** Section 1 of *The Act respecting Notaries Public* is amended by adding thereto the following subsection:—

(2) Where any person other than a barrister or solicitor is appointed a notary public restrictions may be imposed in the commission limiting the territory and cases in which such person may use and exercise his powers.

Rev. Stat.  
c. 191, s. 22  
subs. 6,  
amended.

**34.** Subsection (6) of section 22 of *The Ontario Companies Act* as enacted by section 2 of an Act passed in the 63rd year of the reign of Her late Majesty Queen Victoria, chaptered 23, is amended by inserting after the words “from time



time to time" in the third and fourth lines thereof the words "with the consent of the subscribers thereto or holders thereof," and striking out in lines five and six of the said subsection the words "with the consent of the holders."

**35.** *The Ontario Companies Act* is amended by adding thereto the following section:—

Rev. Stat.  
c. 191  
amended.

40a. The shareholders of a company having more than six directors may by by-law authorize the directors to delegate any of their powers to an executive committee consisting of not less than three to be elected by the directors from their number. Any committee so formed shall in the exercise of the powers so delegated, conform to any regulations that may be imposed on them by such by-law or by the directors.

Delegation of  
powers.

**36.** Section 3 of *The Ontario Mining Companies Incorporation Act* is amended by striking out the words "within the Province of Ontario or any of the Counties and Districts therein" occurring in the 7th and 8th lines of the said section.

Rev. Stat.  
c. 197, s. 3,  
amended.

**37.** Section 21 of *The Ontario Railway Act* is hereby repealed.

Rev. Stat.  
c. 207, s. 21  
repealed.

**38.** Subsection 1 of section 22 of *The Act respecting Benevolent, Provident and other Societies* is amended by inserting after the word "purpose" in the fourth line of the said subsection the words "or is reputed to be maintaining or using a place for any gambling or unlawful gaming purpose."

Rev. Stat. c.  
211, s. 22, subs.  
1, amended.

**39** Section 13 of *The Joint Stock Companies Winding-up Act* is amended by adding thereto the following subsection:—

Rev. Stat.,  
c. 222, s. 13,  
amended.

(8) This section shall not apply to any loan corporation within the intent of *The Loan Corporations Act* nor to any insurance corporation within the intent of *The Ontario Insurance Act*.

Application of  
section.

**40.** Subsection 1 of section 19 of *The Act to make better provision for keeping and auditing Municipal and School Accounts* is hereby repealed and the following substituted therefor:—

Rev. Stat.,  
c. 228, s. 19,  
subs. 1,  
repealed.

19.—(1) The Council of any municipality may by by-law direct that moneys payable to the municipality for taxes or rates, and upon such other accounts as may be mentioned in the by-law, shall be by the collector of taxes or by the person charged with the payment thereof paid into such chartered bank as the Council may by such by-law direct, to the credit of the Treasurer of the Municipality, and in such case the person making the payment shall obtain a receipt from the bank

Council may  
pass by-law  
for payment  
of taxes into  
chartered  
bank by  
collector or  
person  
charged.

bank therefor and produce the same to the municipal treasurer, who shall make the proper entries therefor in the books of the municipality.

Rev. Stat. c.  
232, s. 14,  
subs. 2,  
amended.

**41**—(1) Subsection 2 of section 14 of *The Public Libraries Act* is amended by adding at the end thereof the words “and such further rate as may be necessary to raise the moneys required to pay the annual interest and sinking fund on moneys to be hereafter borrowed for the purpose of acquiring a site or sites or of purchasing or erecting buildings.”

Subs. 3  
amended.

(2) Subsection 3 of said section 14 is amended by striking out all the words in said subsection prior to and including the word “buildings” in the fourth and fifth lines, and inserting in lieu thereof the words—“In case any public library board requires the council to raise as provided in this Act any money for the purpose of acquiring a site or sites or purchasing or erecting buildings, which money, together with the amount required for the expense of maintaining and managing the libraries, reading-rooms or classes under their control and of making any purchases required therefor would involve the levy in any one year of a rate greater than one-quarter of a mill on the dollar, in the case of cities with over 100,000 population, or greater than one-half of a mill on the dollar in the case of other municipalities.”

Subs. 4.  
amended.

(3) Subsection 4 of said section 14 is amended by adding after the word “purpose” in the fifth line of said subsection the words “of acquiring a site or sites, or.”

Sec. 14  
amended.

(4) The said section 14 is further amended by adding the following subsection thereto:—

Submission of  
by-law to  
electors in  
cities of over  
100,000.

(8) Notwithstanding anything in this section contained, the council of any city having a population of over 100,000 inhabitants may, if the council so determine, submit to the Electors qualified to vote on money by-laws, any by-law for raising money for acquiring a site or sites for a public library or for purchasing or erecting buildings, and if so submitted the council shall not be required to pass such by-law until it has been approved of by a majority of such electors voting thereon.

Rev. Stat.  
c. 234, s. 14,  
amended.

**42.** Section 14 of *The Municipal Light and Heat Act* is amended by inserting after the word “Act” in the second line the words “and the amendments thereto heretofore or hereafter passed.”

ev. Stat.  
c. 242, s. 10  
amended.

**43.** Section 10 of *The Act to authorize and regulate the use of Traction Engines on Highways* is amended by adding thereto the following subsection:—

(3) The two preceding subsections shall not apply to engines used for threshing purposes or for machinery in construction of roadways

44. Notwithstanding the division of the municipality of the Township of York into East and West York with a separate Board of License Commissioners for each, the said council shall have the same powers under *The Liquor License Act* that the said council would have were the municipality not so divided as aforesaid and the said council may pass a by-law limiting the number of licenses in each of the two said subdivisions of East and West York respectively and for the carrying out of the provisions of the said Act in so far as it affects the Township of York.

Limiting  
number of  
licenses under  
Rev. Stat.  
c. 245.

45. *The Ontario Factories Act* is amended by adding thereto the following sections :—

Rev. Stat. c.  
256, amended.

19. (a) It shall not be lawful to have a bed room or sleeping place on the same floor of a building as a shop, bake house or factory, nor to have any bed room or sleeping place in the same building as a shop, bake house or factory without the written consent of the inspector.

Restrictions  
as to sleeping  
places.

19. (b) It shall not be lawful to have a stable under the same roof as a factory, unless there is between the stable and factory a sufficient brick or other partition wall approved by the inspector separating the one from the other.

Restrictions  
as to stables.

46. In all cases between employer and employed or their representatives where liability for damages arises by reason of any violation of *The Ontario Factories Act*, the liability shall be subject to the limitations contained in section 7 of *The Workmens Compensation for Injuries Act*.

Limitation of  
liability in  
certain cases.  
Rev. Stat.,  
c. 256.  
Rev. Stat.,  
c. 160.

47. Subsection 3 of section 8 of *The Act to prevent the spread of Contagious Diseases among Horses and other Animals*, is amended by inserting after the word "Act" in the third line of the said subsection the words "or under the provisions of *The Act respecting Infectious or Contagious Diseases affecting animals*, being chapter 69 of the Revised Statutes of Canada."

Rev. Stat., c.  
273, s. 8, subs.  
3, amended.

48. Section 8 of *The Act respecting the Agricultural College* is repealed.

Rev. Stat. c.  
302, s. 8,  
repealed.

49. Section 58 of *The Act respecting Lunatic Asylums and the Custody of Insane Persons* is amended by adding thereto the following subsection :—

Rev. Stat.  
c. 317, s. 58,  
amended.

(2) When a person who is discharged from confinement in an asylum as herein provided, is not in the opinion of the inspector of sufficient competence to manage his or her affairs, the inspector, having in his hands property of the said person as Committee under this Act, may apply to the High Court or a judge thereof to be relieved of the said property and be discharged of his said trust, and the court or judge shall give such orders and directions in the premises as may seem just.

Application to  
court to be re-  
lieved from  
trust.



Rev. Stat.  
c. 336, s. 4,  
amended.

**50.** Subsection 1 of section 4 of *The Trustee Relief Act* is amended by adding thereto the following words :—

PROVISO.

Provided that a Surrogate Court Judge may make the order upon the application of any person interested or of the guardian *ad litem* where, in passing their accounts before him, it appears to such judge that the executor, administrator, guardian or trustee has money or securities in his hands belonging to an infant or person of unsound mind or to a beneficiary whose address is unknown ; such order shall contain the name and age of the infant and shall be entered in the Chamber Book of the High Court of Justice at Osgoode Hall and a copy served upon the Official Guardian.

61 V. c. 22,  
and 62 V. (2)  
c. 23,  
amended.

**51.** The period within which the cash subsidy in aid of the James Bay Railway granted by Chapter 22 of the Acts passed in the 61st year of the Reign of Her late Majesty Queen Victoria, and the period within which the cash subsidy and land grant in aid of the said railway granted by Chapter 23 of the Acts passed at the second Session held in the 62nd year of the said reign should have been earned are respectively extended for a period of three years from the passing of this Act, and the said Acts shall be read as though the period hereby fixed within which the said subsidies and land grant should be earned had been fixed by the said Acts respectively at the passing thereof.

Period for  
earning sub-  
sidy and land  
grant by  
James Bay  
Railway  
extended for  
three years.

62 V. (2), c. 11,  
s. 36, amended.

**52.** Section 36 of an Act passed in the sixty-second year of the Reign of Her late Majesty Queen Victoria intituled *An Act to amend the Statute Law* is amended by adding thereto the following words, "but no such agreement shall be operative unless and until ratified and confirmed by the Legislative Assembly."

63 V. c. 24,  
s. 18, amended.

**53.** Section 18 of *The Act respecting Licensing of Extra Provincial Corporations* is hereby amended by striking out the first three paragraphs of the said section and inserting in lieu thereof the words "There shall be paid to His Majesty for the public uses of Ontario by every Corporation requiring a license under this Act such fees as may from time to time be approved of by the Lieutenant-Governor in Council."

Schedules  
A and B  
repealed.

(2) Schedules A and B of the said Act are repealed.

63 V. c. 30,  
amended.

**54.** (1) Subsection 1 of section 16 of *The Act Respecting Aid to the Algoma Central Railway Company*, passed in the 63rd year of the reign of Her late Majesty, chaptered 30, is repealed, and the following substituted therefor :—

Time for  
completion.

(1) The entire railway, meaning the lines of railway here-  
inbefore described, shall be completed for a distance of 225  
miles,

miles, or thereabouts, in accordance with the provisions of the Acts empowering such construction on or before the 1st day of May, 1906.

(2) Subsection 2 of said section 16 is repealed, and the following substituted therefor :—

2. The Lake Superior Power Company shall, at or near the town of Sault Ste Marie, in the Province of Ontario, develop water power to the extent of at least 40,000 horse power in addition to that already developed by it at the said town, and shall complete the said canal or canals, and instal the machinery necessary for the development of such power, and develop the same on or before the 30th June, 1906; Development of water power, etc.

And shall also complete the erection of chemical, electrical and metallurgical works, which have already been commenced, within two years of the date of this amendment, such works to be of a capacity suitable for using 5,000 horse power for the operation thereof.

(3) The said Act is further amended by adding thereto the following section :— 63 V., c. 30, amended.

22. No forfeiture shall be deemed to have taken place or occurred, owing to the amendments to section 16 hereof not having received the assent of the Lieutenant-Governor before such time as the undertakings therein mentioned were to have been completed. Non-forfeiture.

55. Section 44 of *The Ontario Fisheries Act, 1900* as enacted by section 13 of *The Ontario Fisheries Act, 1901* is amended by striking out the figures “1903” in the last line of the said section and substituting therefor the figures “1906.” 63 V. c. 50, s. 44, amended.

56. An extension for the period of one year from the date of the passing of this Act is hereby granted to The Manitoulin and North Shore Railway Company to commence the railway, works and undertakings mentioned in section 9 of *An Act respecting aid by Land Grant to the Manitoulin and North Shore Railway Company* passed in the first year of His Majesty's reign chaptered 23, and such commencement and the prosecution of such railway, works and undertakings and the completion of the entire railway mentioned in the said section on or before the first day of December, 1906, shall be deemed and shall be taken as a fulfilment and performance of the obligations of the railway company therein mentioned. Time for earning Land grant to Manitoulin and North Shore Railway extended.  
1 Edw. VII., c. 23.

57. Subsection 1 of section 32 of *The Municipal Amendment Act, 1901*, is amended by adding after the word “consumptives” in the fifth line thereof the following words :— 1 Edw. VII., c. 26, s. 32, subs. 1 amended.  
“and for contributing towards the cost and maintenance of any sanatorium heretofore established, and of any extensions, alterations

alterations or additions thereto;" and by striking out the word "such" in the tenth line and inserting in lieu thereof the word "any;" and by striking out the words: "the passing of" in the eleventh line thereof and substituting therefor the words: "may from time to time pass;" and by striking out the word "the" before "sanatorium" in the thirteenth line and substituting therefor the word "any;" and by striking out the word "to" in the last line and substituting therefor the word "for," and subsection 4 of the said section 32 is amended by adding thereto the following words: "and to any Sanatorium heretofore established or which may hereafter be established by the said Association."

1 Edw. VII.  
c. 33 s. 8 subs.  
1 amended.

**58.** Subsection 1 of section 8 of *The Toll Roads Expropriation Act, 1901*, is amended by adding thereto the following words:—

Majority of  
shareholders  
in company to  
bind company

Proviso.

And in the case of any toll road owned by an incorporated company the shareholders thereof may by resolution in that behalf at a special general meeting called for the purpose authorize the sale of the said road at a fixed price and such resolution shall be binding on the Company and all the shareholders thereof; provided however that the said resolution must be approved of by a majority in number of the entire number of shareholders of the Company, who also represent the majority in value of the stock thereof.

2 Edw. VII.,  
c. 11 amended.

**59.** *The Act to approve and confirm an agreement between the Commissioners for the Queen Victoria Niagara Falls Park and the Canadian Niagara Power Company* being Chapter 11 of the Acts passed in the second year of the Reign of His Majesty is amended by adding thereto the following section:—

Construction  
of agreement.

3. The figures 1904 in subsections *n, o* and *p*, of paragraph 1 of the agreement of 15th July, 1899, which said agreement is hereinafter referred to in the schedule to this Act, are by consent of the parties to the said agreement deemed to be 1905 which figures are declared to be intended to have been inserted in said subsections *n, o* and *p*, at the time when the said agreement was entered into.

Rev. Stat.  
c. 148, s. 23,  
amended.

Mortgage of  
rolling stock  
to be filed in  
office of  
Provincial  
Secretary.

**60.** Section 23 of *The Bill of Sale and Chattel Mortgage Act* is amended by adding thereto the following subsections:—

(7) In the case of a mortgage securing bonds made by an incorporated company on rolling stock owned by it, it shall be sufficient for the purposes of this Act if the mortgage and affidavit in subsection 1 referred to, or copies thereof, be filed in the office of the Provincial Secretary, within the time limited by this Act for filing chattel mortgages.



(8) The office of the Provincial Secretary shall be the place for filing the renewal statements of any such mortgage of rolling stock where renewal thereof is necessary under this Act.

Renewals to be filed in office of Provincial Secretary.

(9) Subsections 7 and 8 shall apply to any such mortgage on rolling stock heretofore made, if the same has been filed as therein provided.

**61.** Subsection 2 of section 5 of *The Woodman's Lien for Wages Act* is amended by inserting after the words "out of" in the 6th line the words "or for manufacture in".

Rev. Stat. c. 154, s. 5, subs. 2, amended.

**62.** The Lieutenant-Governor in Council may transfer the subsidy and land grant given to the Thunder Bay, Nepigon and St. Joe Railway Company by the Acts passed in the first year of His Majesty's reign, Chapters 22 and 24, and in the second year of His Majesty's reign, Chapter 25, or any part thereof, to any Railway Company which undertakes to construct a line of railway from Lake Nepigon southward to some point on the Canadian Pacific Railway between the Nepigon and Black Sturgeon Rivers, and upon such transfer being made, all the conditions applicable to the said subsidy and land grant mentioned and set forth in the said Acts shall apply to the Railway Company to which the said transfer is so made, as if such Railway Company had been mentioned in the said Acts instead of the Thunder Bay, Nepigon and St. Joe Railway. Save and except that the dates mentioned in subsection 1 of section 9, Chapter 24, 1 Edward VII. shall be changed from 1902 to 1903 respectively to 1904 and 1905 respectively. And the said Act shall be read as if the said dates had been fixed thereby instead of the dates fixed in the said section.

Lieutenant-Governor in Council may transfer subsidy and land grant of Thunder Bay, Nepigon and St. Joe Railway to other company.

**63.** To remove doubt it is declared that the westerly boundary of the Huron Copper Bay and Mining Company's location is and has always been since the 25th day of April, 1890, the true and correct boundary line between the Municipality of Johnson, Tarbutt, and Tarbutt Additional and the Municipality of Plummer Additional.

Boundary line between municipalities of Johnson, etc., and Plummer defined.

## CHAPTER 8.

## An Act to amend The Judicature Act.

*Assented to 12th June, 1903.*

**HIS MAJESTY**, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts reas follows :—

Rev. Stat.  
c. 51, s. 3,  
subs. 3,  
amended.

Divisions of  
High Court.

1. (1) Subsection 3 of section 3 of *The Judicature Act* is repealed and the following substituted therefor :—

(3) The High Court of Justice for Ontario shall hereafter consist of four divisions to be called The King's Bench Division, The Chancery Division, The Common Pleas Division and The Exchequer Division of the High Court.

Subs. 4  
amended.

(2) Subsection 4 of the said section is repealed and the following substituted therefor :—

King's Bench  
Division.

(4) The King's Bench Division shall during the reign of a Queen be called The Queen's Bench Division and during the reign of a King The King's Bench Division.

Subs. 5  
amended

(3) Subsection 5 of the said section 3 is amended by striking out the word "and" at the commencement of the third line thereof and inserting after the words "Common Pleas" in the said third line the words "and the Chief Justice of the Exchequer Division."

Subs. 8  
amended.

(4) Subsection 8 of the said section 3 is amended by striking out the word "and" in the third line thereof and adding to the said subsection at the end thereof the words "and the Chief Justice of the Exchequer Division shall be the President of the Exchequer Division."

Subs. 9  
amended.

(5) Subsection 9 of the said section 3 is hereby amended by striking out the words "subject to section 4, three" in the third and fourth lines thereof and substituting the word "two" therefor; and by striking out the word "and" in the fifth line thereof and by adding at the end of the said subsection the words "and besides the Chief Justice of the Exchequer Division two Justices of the High Court shall be attached to The Exchequer Division."

Subs. 10  
amended.

(6) Subsection 10 of the said section 3 as enacted by section 7 of chapter 12 of the Acts passed in the second year of His Majesty's reign is amended by striking out the word "or" in

in the second line thereof and inserting after the words "Common Pleas" in the third line thereof the words "or Exchequer."

2. Section 4 of *The Judicature Act* is repealed.

Rev. Stat.  
c. 51, s. 4,  
repealed.

3. Subsection 2 of section 8 of *The Judicature Act* is amended by striking out the word "and" in the second line thereof and by inserting after the words "Common Pleas" in the third line the words "and the Chief Justice of the Exchequer Division."

Rev. Stat.  
c. 51, s. 8,  
subs. 2,  
amended.

4. Subsection 2 of section 11 of *The Judicature Act* is repealed and the following substituted therefor:—

Rev. Stat.  
c. 51, s. 11,  
subs. 2,  
amended.

(2) Where an appeal comes before a Court of less than five Judges, the Court instead of hearing such appeal or giving judgment thereon, may direct the case to be heard or re-argued as the case may be before the Full Court.

Hearing or re-  
arguing case  
before full  
court.

5. Section 12 of *The Judicature Act* is hereby repealed and the following substituted therefor:—

Rev. Stat.  
c. 51, s. 12,  
repealed.

12.—(1) In case from pressure of business, or other cause it shall at any time seem expedient to the Lieutenant-Governor in Council or to the Judges of the Court of Appeal or to the Judges of the Supreme Court or a majority of them (of which majority two Judges of the Court of Appeal including the Chief Justice, unless absent on leave, shall form part) the Court of Appeal may sit in two divisions either at the same time or at different times; and, to enable two Divisional Courts of the Court of Appeal to be held, the Judges of the Supreme Court, or the said majority of them shall select from the Judges of the High Court as many of the Judges thereof as may be necessary to form, with the Justices of Appeal, two such Divisional Courts; and every Judge so chosen shall, while sitting in a Divisional Court of the Court of Appeal have and may exercise all the powers and authority of a Justice of Appeal. Such selection shall be made on or before the Saturday before the commencement of the long vacation in each year, and if not then made such selection may be made at any time afterwards at a meeting duly called for the purpose, and any selection which shall be made may be varied or rescinded from time to time and a new selection made as occasion may require.

Divisional  
Courts of  
Court of  
Appeal.

(2) At least two of the Justices of the Court of Appeal shall sit in such Divisional Court.

6. Section 68 of *The Judicature Act* is amended by striking out the word "and" in the first line thereof and inserting after the words "Common Pleas" in the said first line the words "and the Exchequer."

Rev. Stat.  
c. 51, s. 68,  
amended.



Rev. Stat.  
c. 51,  
amended.

7. *The Judicature Act* is amended by adding thereto the following section :

Certain judges  
not to be  
assigned to  
sittings of  
assize.

69a. In arranging the sittings of Assize and for the trial of causes as well in the County of York as the other counties, the president of one of the divisions and two other judges shall be selected, to none of whom shall any of the said sittings be assigned, and it shall be the duty of the said president and judges to hold the sittings of the Divisional Court during the time that they are left free from the sittings of Assize, and for the trial of causes as aforesaid.

Rev. Stat.  
c. 51, s. 70,  
subs. 1,  
amended.

8. Subsection 1 of section 70 of *The Judicature Act* is amended by striking out all the words in the said subsection after the word "Judges" in the second line.

Subs. 4,  
amended.

(2) Subsection 4 of section 70 aforesaid is amended by striking out all of the words in the said subsection after the words "High Court" in the third line.

Rev. Stat.,  
c. 51, s. 183,  
amended.

9. Section 183 of *The Judicature Act* is amended by striking out the following words "on entering every action for trial or assessment, \$2.00."

Rev. Stat.,  
c. 51, s. 75,  
clause 2,  
repealed.

10. Clause 2 of section 75 of *The Judicature Act* is repealed.

Rev. Stat.  
c. 51,  
amended.

11. *The Judicature Act* is amended by adding the following as section 118a:—

Action in  
Quebec judg-  
ments.

118a. In any action brought in Ontario on a Judgment obtained in Quebec the costs incurred in obtaining the Judgment shall not be recoverable without a Judge's order directing their allowance; and such order shall not be granted unless, in the opinion of the Judge, the costs were properly incurred nor if it would have been a saving of expenses and costs to have first instituted proceedings in Ontario on the original claim.

Rev. Stat.,  
c. 51, s. 121,  
subs. 2,  
amended.

12. Subsection 2 of section 121 of *The Judicature Act* is amended by adding thereto the words "or to an Official Referee agreed upon by the parties."

Extension of  
meaning of  
word "writ"  
in Cons. Rule  
162.

13. In Consolidated Rule 162 the word "writ" shall be deemed to include any document by which a matter or proceeding is commenced, and service of any such document heretofore or hereafter made if in other respects proper shall be deemed good service as against the objection that such document was not included in the said rule.

## CHAPTER 9.

## An Act to amend The Judicature Act.

*Assented to 27th June, 1903.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Act passed during the present Session intituled *An Act to amend The Judicature Act* and which received the Royal Assent on the 12th day of June, 1903, shall not be deemed to have come into force and shall not come into force or take effect until the 1st day of December, 1903, or such earlier day as may be named by the Lieutenant-Governor in Council by Proclamation in that behalf

When certain amendments to Rev. Stat. c. 51 come into force.

## CHAPTER 10.

## An Act respecting Evidence.

*Assented to 31st March, 1903.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Protection of  
persons giving  
evidence upon  
commission to  
investigate  
charges made  
by R. R.  
Gamey.

1. Notwithstanding anything contained in section 2 of *The Act respecting Inquiries concerning Public Matters* or in any other Statute, no person giving evidence before the commissioners appointed by Royal Commission bearing date 28th day of March, 1903, for the purpose of hearing and investigating certain charges preferred on the 11th day of March, 1903, by Robert Roswell Gamey, a member of the Legislative Assembly of the Province of Ontario, shall be excused from answering any question upon the ground that the answer to such question may tend to criminate him, or to render him liable to any punishment, penalty or penal proceeding, and any person so giving evidence, as aforesaid, shall be entitled to the like protection as if the evidence was given by him after objection under the provisions of section 5 of *The Canada Evidence Act, 1893*, and amendments thereto.

Application  
of Act to per-  
sons giving  
evidence on  
other charges.

2. The preceding section shall extend to and include all persons giving evidence on the hearing of any other charges which may be preferred and heard under the said Royal Commission.

Statement  
made by  
R. R. Gamey  
on 27th March  
to be included  
in commis-  
sion.

3. The statement made in the House on 27th day of March, 1903, by the said Robert Roswell Gamey shall be deemed to be a charge coming under the last clause of the said commission.



## CHAPTER 11.

## An Act respecting Mortgages of Real Estate.

*Assented to 12th June, 1903.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Where default has been made in the payment of any principal money secured by any mortgage of real estate made after the passing of this Act, notwithstanding any agreement to the contrary, the mortgagor or party entitled to make such payment, may at any time upon payment of three months interest on such principal so in arrear, pay the same, or the said mortgagor or person so entitled to make such payment may give the mortgagee three months notice of his intention to make such payment at the time named at the expiration of such notice; and in the event of his making such payment on the day so named he shall be entitled to make such payment without any further payment of interest except interest to the date of payment. *Provided*, however, that if the mortgagor or party entitled to make such payment, fails to pay the same at the time mentioned in such notice thereafter he shall only be entitled to make such payment on paying such principal so in arrear and interest on such principal to the date of payment together with three months interest in advance. *Provided*, also, that nothing herein contained shall in any way affect or limit the rights of the mortgagee to recover by action or otherwise such principal so in arrear after default has been made.

Mortgagor in default to be entitled to redeem on giving three months notice, or on paying three months interest in lieu of notice.

*Proviso.*

*Proviso.*

2. Subsection 1 of section 17 of *The Act respecting Mortgages of Real Estate* shall not affect or apply to mortgages made subsequent to the passing of this Act.

Rev. Stat. c. 121, s. 17, subs. 1 not to apply to future mortgages.

3. Section 17 of *The Act respecting Mortgages of Real Estate* is amended by inserting the following as sub-section (3):—

Rev. Stat. c. 121, s. 17, amended.

(3) Whenever any principal money or interest secured by a mortgage of real estate, made after the 1st day of July, 1903, is not under the terms of the mortgage, payable till a time more than five years after the date of the mortgage, then if, at any time after the expiration of such five years,

any

Proviso.

Rev. Stat.,  
c. 205.

any person liable to pay or entitled to redeem the mortgage, tenders or pays to the person entitled to receive the money the amount due for principal money and interest to the time of such tender of payment, together with three months further interest in lieu of notice, no further interest shall be chargeable, payable or recoverable at any time thereafter on the principal money or interest due under the mortgage. Provided that nothing in this subsection contained shall be deemed to repeal or affect the provisions of section 25 of *The Loan Corporations Act*.

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## CHAPTER 12.

## An Act to amend The Land Titles Act.

*Assented to 12th June, 1903.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. (1) No person shall be entitled to recover out of the Assurance Fund established under *The Land Titles Act* any compensation in respect of any of the following cases :—

No claim to compensation from Assurance Fund :—  
Rev. Stat. c. 138.

1. Where the claim is founded upon a right existing at the time of the first registration of any land and the state of the title of the land at the said time was such that the person who was first registered, or the person on whose nomination or authorization such registration was made could by a duly registered conveyance have conferred, as against the claimant, a valid title to a *bona fide* purchaser for full and valuable consideration without notice of any defect in the title, or any fact creating any defect; provided always that no sufficient caution under section 85 of the said Act had been registered and was in force when the application for first registration was made or a patent was forwarded for registration under section 169, and that the Master of Titles or the Local Master, as the case may be, did not have actual notice of the said defect prior to the first registration.

When person first registered could have conveyed good title to purchaser for value without notice.

Proviso.

New Zealand Act No. 57, 1885, s. 53.

2. Where the claimant had by direction of the Master, or Local Master of Titles, or in accordance with the practice of the office been served with a notice of the proceedings being had in the office, whether such proceedings were prior to or subsequent to first registration and failed to appear in accordance with the requirements of such notice; or in case the Master or Local Master had adjudicated against him and he failed to prosecute successfully an appeal against the Master's decision.

Where claimant had notice of registration proceedings.

3. Where the claimant has caused or substantially contributed to the loss by his act, neglect or default. The omission to register a sufficient caution, notice, inhibition or restriction to protect a mortgage by deposit or other equitable interest or any unregistered right, or other equitable interest or any unregistered interest or equity created under section 70 of the

Where claimant's negligence has contributed to loss.



Imp. Act 60-61 V. c. 65, s. 7, subs. 3. the said Act or otherwise shall be deemed neglect within the meaning of this clause.

“Claimant” meaning of. (2) “Claimant” in this section shall include the person actually making the claim and any person whom he alleges was wrongfully deprived of land or of some estate or interest therein, through whom the said person making the claim alleges title.

Rev. Stat., c. 158, s. 26, subs. 1, cl. 1, repealed. 2. Clause 1 of subsection 1 of section 26 of the said Act is repealed and the following substituted therefor:—

(1) Statutory or municipal taxes and school or water rates for the current year.

Rev. Stat., c. 138, s. 33, subs. 2, repealed. 3. Subsection 2 of section 33 of the said Act is repealed and the following substituted therefor:—

Charge, how completed, (2) The charge shall be completed by the Master of Titles entering on the register the person in whose favour the charge is made as the owner of the charge, stating the amount of the principal sum which the charge secures, with the rate of interest and the periods of payment, or the other purpose for which the charge is given. In case the charge contains a power of sale, this fact shall be stated, but the particulars thereof need not be set out in the register, nor shall it be necessary to set forth incidental matters which may be expressly charged, such as costs of inspection, or of abortive attempts to sell and the like.

Plans—regulations as to. 4. Every plan deposited under section 109 of the said Act shall show distinctly what land is being laid out by the said plan, and shall by proper coloring distinguish such land from all other land shown on the plan, but not in fact laid out thereby. The said land last mentioned shall be shown uncoloured.

Rev. Stat., c. 138 s. 130, subs. 2 repealed. Assurance Fund, how constituted. 5. Subsection 2 of section 130 of *The Land Titles Act* is repealed and the following substituted therefor:—

(2) In order to constitute such fund, there shall be paid on the first registration under this Act of any land with an absolute or qualified title, in addition to all other fees a sum equal to one-fourth of one per cent. of the value of the land apart from the buildings or fixtures thereon, and one-tenth of one per cent. of the value of the said buildings and fixtures, and with a possessory title one-eighth of one per cent. of the value of the land apart from the buildings or fixtures thereon, and one-twentieth of one per cent. of the value of the said buildings and fixtures. Where the sum to be paid under the foregoing provision does not amount to \$1, the amount payable shall be \$1.

6.—(1) Any applicant for first registration may instead of paying the assurance fees elect to have the same made a charge on the land and in case he so elects the amount with interest at 5 per cent. compounded annually shall be stated in the entry of ownership to be a charge on the land and no subsequent transfer or charge of the land or any transmission thereof, or any part thereof shall be registered until the amount of the said charge shall have been paid into the Assurance Fund and proper proof of such payment furnished to the Master or local Master of Titles. Provided that where part of the land is sold for taxes the proper Master, upon proof of payment of the fair proportion of such charge attributable to the portion sold, may register the tax deed.

Election to have fees for assurance funds made charge.

Proviso.

(2) This section shall not apply to cases coming within section 169 of the said Act.

Not to apply to cases under s. 169.

7. Applications for first registration in the districts not coming within sections 169 and 170 of the said Act shall be made to the Master of Titles and not to the local Master for the district, and upon the Master finding that an applicant is entitled to be registered he shall issue his certificate to that effect to the local Master who shall thereupon register the land in accordance with the terms of such certificate.

Applications for first registration in districts.

8. Where an application is made under the next preceding section the Master of Titles may request the registrar to transmit by registered mail, or by express, any instrument appearing on the abstract, or required in connection with the application, which the Master desires to examine. The registrar shall comply with such request and shall with such documents send a list of all the documents transmitted and shall retain a copy of the said list. The Master shall return the documents, as soon as practicable, by registered mail or express, sending therewith to the registrar a list of all the documents so returned and keeping a copy thereof. The registrar in addition to his usual fees for the production of a document shall be entitled to charge an additional fee of 10 cents in respect of each document transmitted as compensation for his trouble in respect of such transmission, the preparation of the list and returning the documents to their proper files.

Duty of registrar of district when required to forward documents of title to Master

9. Where an heir or devisee applies to be entered as owner of any land registered under *The Land Titles Act*, which has vested in him under section 13 of *The Devolution of Estates Act*, the Master or Local Master of Titles shall make such entry without reference to the liability of the said land for debts, except under executions, copies of which have been lodged in the proper land titles office; and the liability of such land or any transferor thereof under sections 4 and 5 of chapter 1 of the Acts passed in the second year of the reign of His present Majesty shall be determined as if such land had not been registered under the said *Land Titles Act*.

Entry of heir or devisee without reference to debts of estate.

Rev. Stat. c. 138.

Rev. Stat. c. 127.

## CHAPTER 13.

## An Act to amend the Act respecting Conditional Sales of Chattels.

*Assented to 12th June 1903.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat.  
c. 149,  
amended.

Provisions as  
to venue of  
actions on lien  
notes etc.,  
when not to  
take effect.

1. *The Act respecting Conditional Sales of Chattels* is amended by adding the following section as 1a.

1a. No proviso, condition, agreement or statement contained in any lien note, hire receipt, contract for the conditional sale of chattels or other like contract, which provides that any action, matter or other proceedings arising upon or under such lien note or contract shall be tried in any particular place or elsewhere than in the court having jurisdiction in the locality in which the defendant resides or in which the contract was made, shall be of any force or effect unless there was, at the time of the making or entering into the same, printed in type not smaller than small pica type, in red ink, across the face of such note, hire receipt or other contract, with the signature of the maker thereof subscribed thereto, the words following: "Any action which may be brought or commenced in a Division Court in respect or on account of this note, hire receipt or contract may be brought and commenced against the maker or person liable hereon in a Division Court other than where he resides or in which the contract was made;" provided however that this section shall not apply to any lien note, contract for the conditional sale of chattels or other like contract heretofore signed or executed.

Act not to  
apply to exist-  
ing contracts.

Rev. Stat.  
c. 149, s. 2,  
amended.

Copy of con-  
tract of sale of  
rolling stock  
of companies  
to be filed  
with Provin-  
cial Secretary.

2. Section 2 of the said Act is amended by adding thereto the following as sub-sections (2) and (3):

(2) In cases of conditional sales or bailments by incorporated companies to railway companies, of rolling stock, the said section shall not apply if the contract evidencing the conditional sale or bailment or a copy thereof is filed in the office of the Provincial Secretary within ten days from the execution thereof.

Subs. 2 to be  
retroactive.

(3) The preceding sub-section shall apply to any such conditional sale or bailment of rolling stock heretofore made if the contract evidencing the same, or a copy thereof, has been filed as therein provided.

Commence-  
ment of Act.

3. The first section of this Act shall take effect on, from and after the first day of November, 1903.

CHAPTER



## CHAPTER 14.

## An Act to amend The General Road Companies Act.

*Assented to 12th June, 1903.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 80 of Chapter 193, Revised Statutes of Ontario, 1897, known as *The General Road Companies' Act* is repealed and the following substituted therefor :—

Rev. Stat.  
c. 193, sec. 80  
amended.

80. (1) The Lieutenant-Governor in Council may, from time to time, designate an officer of the Public Works Department who shall be known as "The Inspector of Toll Roads.

(2) It shall be the duty of the Inspector of Toll Roads to inspect any roads on which tolls are taken whenever requested so to do by resolution of the council of the county in which such road is situate or upon a requisition signed by at least twenty ratepayers residing within three miles of such road or from time to time as he may deem necessary.

2. Section 81 of the said Act is repealed.

Rev. Stat.  
c. 193, sec. 81  
repealed.

3. Subsection (1) of section 82 of the said Act is repealed and the following substituted therefor :—

Rev. Stat.  
c. 193, sec. 82  
subs. 1,  
amended.

(1) If upon any such inspection the Inspector of Toll Roads is of the opinion that any such road or portion thereof is out of repair, he shall notify the President of the Company or the head of the Municipality to which the road belongs by leaving a written notice at the office or place of business of the President or head of the Municipality, if there is such office or place of business within the county wherein the road is situated and the office or place of business is known to the Inspector of Toll Roads, and if not so known then by leaving the notice with any of the keepers of the toll gates belonging to the Company or Municipal Council."

4. Subsection (2) of section 82 of the said Act is amended as follows :—

Rev. Stat.  
c. 193, sec. 82  
subs. 2  
amended.

(1) By striking out the words "in pursuance of directions from the Judge of the County Court he" in the first and second

second lines thereof and substituting therefor the words "the Inspector of Toll Roads."

(2) By striking out the word "Engineer" in the eighth line thereof and substituting therefor the words "Inspector of Toll Roads."

Rev. Stat.  
c. 193, s. 82,  
subs. 3  
amended.

5. Subsection 3 of section 82 is amended as follows:—

(1) By striking out the word "Engineer" in the first line thereof and substituting therefor the words "Inspector of Toll Roads."

(2) By striking out the words "Judge of the County Court" in the second line thereof and substituting therefor the words "Commissioner of Public Works of the Province of Ontario."

(3) By striking out the words "hereinbefore provided" in the ninth line thereof and substituting therefor the words "provided for the service of the notice referred to in subsections 2 and 3 of section 82 of this Act."

(4) By striking out the words "Engineer or an Engineer approved by the Judge of the County Court" in the seventeen and eighteen lines thereof and substituting therefor the words "Inspector of Toll Roads."

(5) By striking out the following words in the nineteenth, twentieth, twenty-first, twenty-second and twenty-third lines thereof, "Or unless the Judge of the County otherwise orders under proceedings to be taken and had similar to the case of directors disputing that their road is out of repair under the provisions of section 84 of this Act."

Rev. Stat.  
c. 193, sec. 83  
amended.

6. Section 83 of the said Act is amended as follows:—

(1) By striking out the word "Engineer" in the second line of sub-section 1 thereof, and substituting therefor the words "Inspector of Toll Roads."

(2) By striking out the word "Engineer" in the tenth line of subsection 3 thereof and substituting therefor the words "Inspector of Toll Roads."

Rev. Stat.  
c. 193, sec. 84  
as amended  
by 1 Edw.  
VII. c. 20,  
repealed.

7. Section 84 of the said Act as amended by chapter 20 of the Acts passed in the first year of the reign of His Majesty King Edward VII, known as *An Act to amend The General Road Companies Act*, is repealed.

Rev. Stat.  
c. 193, sec. 85  
amended.

8. (1). Section 85 of the said Act is amended as follows:—

(1) By repealing subsection (1) thereof.

(2) By striking out the words "or the decision of the County Judge or the Provincial Instructor as the case may be," in the first and second lines of subsection (2) thereof, and substituting therefor the words "of the Inspector of Toll Roads."

(3)

(3) By striking out the word "engineer" in the fourth line of subsection (2) thereof and substituting therefor the words "Inspector of Toll Roads."

9. Section 86 of said Act is amended as follows :—

Rev. Stat.  
c. 193, sec. 86  
amended.

(1) By striking out the words "Engineer if required to examine the road in accordance with this Act" in the fifth and sixth lines of subsection (1) thereof and substituting therefor the words "Inspector of Toll Roads."

(2) By striking out the word "Engineer" in the fifth line of subsection (2) thereof and substituting therefor the words "Inspector of Toll Roads."

10. Section 87 of said Act is amended as follows:—

Rev. Stat.  
c. 193, sec. 87  
amended.

(1) By striking out the word "Engineer" in the fourth line of subsection (1) thereof and substituting therefor the words "Inspector of Toll Roads."

(2) By striking out the word "Engineer" in the ninth line of subsection (1) thereof and substituting therefor the words "Inspector of Toll Roads."

11. Section 88 of said Act is amended by striking out the following words in the third, fourth and fifth lines thereof, "or the decision of the County Judge or Provincial Instructor in road-making as the case may be."

Rev. Stat.  
c. 193, sec. 88  
amended.

12. Sections 89 to 101 inclusive of said Act are repealed.

Rev. Stat.  
c. 193, secs.  
89-101 re-  
pealed.

13. Section 102 of said Act is amended as follows:—

Rev. Stat.  
c. 193, sec.  
102 amended.

(1) By striking out the words "Engineer or Arbitrators (as the case may be)" in the third and fourth lines thereof and substituting therefor the words "Inspector of Toll Roads."

(2) By striking out the words "award of the Engineer or Arbitrators" in the eleventh line thereof and substituting therefor the words "notice of the Inspector of Toll Roads."

14. Sections 104 to 115 inclusive of said Act are repealed

Rev. Stat.  
c. 193, secs.  
104 to 115  
repealed.

15. Section 118 of said Act is amended by striking out the word "Engineer" in the sixth and seventh lines of subsection (2) of section 118 and substituting therefor the words "Inspector of Toll Roads."

Rev. Stat.  
c. 193, sec.  
118 amended.

16. Section 119 of said Act is repealed.

Rev. Stat.  
c. 193, sec. 119  
repealed.

17. Nothing in this Act shall be deemed to authorize The Inspector of Toll Roads in determining whether any road is out of repair to require alterations of grades except so far as may be incidentally necessary in making such repairs; but

Alterations  
in grades.



this shall not be deemed to relieve the Company from any existing obligation in respect of grades.

Rev. Stat.  
c. 193, s. 54,  
subs. 1,  
amended.

18. Subsection 1 of section 54 of *The General Road Companies' Act* is amended by adding thereto the following clause :—

(d2) For every automobile, locomobile, or other vehicle propelled otherwise than by muscular power, (excepting the cars of electric or steam railways and other motor vehicles running only on rails or tracks) two cents.

## CHAPTER 15.

## An Act to amend the Insurance Act.

*Assented to 12th June, 1903.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 5 of *The Ontario Insurance Act* is amended by adding thereto subsections 4 and 5 as follows :—

Rev. Stat.  
c. 203, s. 5  
amended.

(4) Every director shall, during his term of office, be a *bona fide* holder in his own right and to his own use of shares of the capital stock of the company to the amount at least of \$1,000 upon which all calls have been duly paid; and upon any director ceasing to be so qualified, his office as director shall *ipso facto* become vacant.

Qualification  
of director in  
such com-  
pany.

(5) General meetings of the company may be convened and held upon the same proceedings and notice as are prescribed by section 114 of this Act.

General  
meetings.

2.—(1) Subsection 1 of section 43 of *The Ontario Insurance Act* is amended by inserting after the word “may” in the second line of the said subsection these words, “with the consent of the Minister.”

Rev. Stat.  
c. 203, s. 43,  
subs. 1,  
amended.

(2) Subsection 6 of section 59 of *The Ontario Insurance Act* is amended by adding the following proviso at the end thereof :—

Rev. Stat.,  
c. 203, s. 59,  
subs. 6,  
amended.

Provided that, for the purpose of appraising losses and adjusting claims against insurers under contracts of marine insurance effected on any subject-matter which at the time of appraisal or adjustment is within the jurisdiction of the Province, such contracts of insurance having been effected beyond the jurisdiction of the Province with corporations, companies, or underwriters unregistered under this Act, the Insurance Registrar may, under his hand and seal of office, grant or renew (as the case may be) a Marine Adjuster's License for a term not in either case exceeding twelve months to the individual named in the license, authorising the said individual during the said term to appraise and adjust all such losses and claims ; and the said license shall during the term thereof exempt as to the said services the said individual from the penalties enacted by section 85 of this Act.

Proviso.

(3)

Rev. Stat.  
c. 203, s. 74,  
subs. 1,  
amended.

(3) Subsection 1 of section 74 of *The Ontario Insurance Act* is amended by striking out the word "March" in the second line of the said subsection, and by substituting therefor the word "July."

Rev. Stat.  
c. 203, s. 80,  
amended.

3. Section 80 of *The Ontario Insurance Act* is amended by adding thereto subsection 2 as follows:—

Beneficiary,  
assignee, etc.,  
of contract  
may sue in his  
own name.

(2) Any person now being or hereafter becoming, entitled as beneficiary, or by assignment or other derivative title, to money payable under a contract of insurance, and possessing at the time of action brought the right either at law or in equity to receive, and the right to give an effectual discharge to the insurer liable under such contract for, such money, shall be at liberty to sue for the same in his own name.

Rev. Stat.  
c. 203, s. 146,  
amended.

4. Section 146 of *The Ontario Insurance Act* is amended by adding thereto subsection 4 as follows:—

When payee  
is domiciled  
or resident  
abroad.

(4) Where the person (including corporation) entitled to receive money due and payable under any contract of insurance within the meaning of this Act is domiciled, or is resident, in a foreign jurisdiction, and payment, valid according to the law of such jurisdiction, is made to such person, such payment shall be valid and effectual for all purposes whatsoever whether the person receiving and entitled to receive such money received the same in his own right or received the money as the agent, representative, trustee, guardian, curator, tutor or committee of another.

Rev. Stat., c.  
203, s. 148,  
subs. 2,  
amended.

5. Subsection 2 of section 148 of *The Ontario Insurance Act*, as amended by 1 Edward VII, chapter 21, section 2 (3), is hereby further amended by adding at the end these words:

Right of  
action where  
death is pre-  
sumed.

Except that, in cases where death is presumed from the assured not being heard of for the period of seven years, any action or proceeding may be commenced within one year and six months from the expiration of such period.

Rev. Stat., c.  
203, s. 151,  
subs. 6,  
amended.

6. Subsection 6 of section 151 of *The Ontario Insurance Act*, as amended by 1 Edward VII, chapter 21, section 2 (7), is amended by striking out the word "infant" wherever it occurs in the said subsection.

Rev. Stat.,  
c. 203, s. 159,  
subs. 8,  
repealed.

7. Subsection 8 of section 159 of *The Ontario Insurance Act* is repealed and the following is substituted in lieu thereof:—

Where  
preferred  
beneficiaries  
predecease  
the assured.

(8) If one, or more, or all, of the preferred beneficiaries in whose favor the apportionment has been made, die in the lifetime of the assured, the assured may, by an instrument in writing attached to or endorsed on or referring to and identifying the policy of insurance by number or otherwise, declare that the share or shares formerly apportioned to the person or persons



persons so dying shall be for the benefit of any person or persons named or ascertained by him in that behalf, whether or not the person or persons so named or ascertained belong to the preferred class of beneficiaries; and, in default of any such declaration, the share or shares of the person or persons so dying shall be for the benefit of the survivor (or survivors, in equal shares), of the preferred beneficiaries in whose favor the apportionment was made; or if there is no such survivor, and there are no surviving children of the assured, the insurance money shall form part of the estate of the assured.

8. Section 163 of *The Ontario Insurance Act* is amended by adding thereto subsections 5 and 6 as follows:—

Rev. Stat.  
c. 203, s. 163,  
amended.

(5) Where by the constitution and laws of any friendly society registered under this Act provision is made for the payment of an ascertained or ascertainable sum to a member of the society in the event of his becoming totally disabled, or of his reaching a stated age, or (if so stipulated,) upon the concurrence of both events, whether such provision is combined with other life insurance or not, such society may so amend its constitution, laws, rules and regulations as to provide for the payment of the said sum in equal consecutive annual instalments without interest, the payment of such instalments to be completed within a period not exceeding ten years from the happening of the event; and all such amendments which have heretofore been or which may be hereafter passed by any such friendly society pursuant to the provisions of its constitution and laws as to amendments, shall be and the same are hereby declared valid and binding upon all its members and upon all their beneficiaries and legal personal representatives and upon every one in any wise entitled, the declaration or articles of incorporation of such society or the previous provisions of its constitution and laws to the contrary notwithstanding.

Substitution  
of instalments  
for gross pay-  
ment.

(6) In the event of the death of a member of such society after becoming totally disabled, or reaching the stated age, or both, but before payment of all the said instalments, the instalments unpaid shall form part of the insurance moneys or benefits payable upon the death of such member, and shall be paid and distributed in accordance with the direction, declaration or apportionment made by such member in that behalf subject to the provisions of this Act.

When assured  
dies before  
receiving all  
instalments.

9. Subsection 1 of section 193 of *The Ontario Insurance Act* is amended by striking out all the words after "Master's Office" in the third line down to and including "Osgoode Hall" in the fifth line.

Rev. Stat.  
c. 203, s. 193,  
subs. 1.  
amended.

10.—(1) Division I of section 197 of *The Ontario Insurance Act* is amended by striking out clause 1 and substituting the following in lieu thereof:—

Rev. Stat.  
c. 203, s. 197  
amended.

(1) For examining and passing upon applications or documents under sections 3, 17, 20, 43, 44 and 51 .....\$10.00

(2) Subsection 3 of Division III of the said section is amended by inserting after the word "Canada" in the fifth line the following words :

"or within the intent of subsection 6 of section 59 of this Act."

(3) The proviso following division IV. of section 197 of *The Ontario Insurance Act* is amended by inserting in the first line of the said proviso, after the words "term of," these words, "license or."

(4) The said section 197 is further amended by inserting, after the sixth line of division V. the following words and figures:—

also Certificate of Registrar .....\$1.00

And the said Division is further amended by adding at the end thereof the following words and figures:—

For examining and passing upon applications of companies to have their suretyship bonds authorized under R.S.O., c. 12, &c .....\$10.00

Order-in-Council authorizing such bonds, \$100.00

Fee for Marine Adjuster's License under s. 59 (6), \$2 00

## CHAPTER 16.

## An Act to amend The Loan Corporations Act.

*Assented to 12th June, 1903.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 2 of *The Loan Corporations Act* is amended by Rev. Stat. adding at the end of the section a clause to be numbered 24, c. 205, s. 2, amended. as follows :—

24. The phrase “paid up,” or “fully paid,” or “fully paid up,” when applied to any stock or share of stock means stock or share on which there remains to the corporation no liability actual or contingent except the contingent liability in the case of fully paid up bank stock.

“Paid in,” as applied to the capital stock of a corporation or to any shares thereof means the amount paid to the corporation on its shares (not including the premium, if any, paid on such shares) whether such shares are fully paid up or not.

2. Clauses (b) and (c) of subsection 1 of section 17 of *The Loan Corporations Act* as substituted by section 6 of an Act passed in the sixty-third year of the reign of Her late Majesty chaptered 27, are hereby repealed, and the following clause to be lettered (b) is hereby substituted, and the clause heretofore lettered (d) in the said subsection is to be hereafter lettered (c):—

Rev. Stat. c. 205, s. 17 (1) (b) (c) repealed.

“(b) Debentures, bonds, stocks and other securities of or guaranteed by any government, or obligations of any municipal corporation, or school corporation, or obligations or paid up stock of any chartered bank or incorporated company, if such bank or company is incorporated by Canada, or by any Province of Canada, or by any former Province now forming part of Canada; and any such loan corporation may take personal security as collateral for any advance made or to be made or debt due to such corporation: Furthermore, such loan corporation may with the assent of two-thirds of the shareholders present or represented by proxy at any annual or special general meeting having notice of such proposal, lend upon the security



See 2 Edw.  
VII. (D.), c.  
60, s. 7.

Proviso.

Further  
proviso.

See 62-3 V.  
(D.), c. 41, s. 20.

Rev. Stat.  
c. 205, s. 29,  
subs. 2,  
repealed.

Limit of  
deposits.

security of the debentures, bonds, obligations, or paid-up stock of any corporation other than those corporations heretofore in this clause mentioned, but the aggregate of all such lending shall not exceed at any one time twenty-five per cent. of the paid-in capital of such lending corporation. Provided that such loan corporation shall not, except as enacted in section 19 of *The Loan Corporations Act*, lend on its own permanent stock; provided also that, so far as relates to the investment of trust funds by any trust corporation, nothing herein contained shall operate to extend the powers of such corporation beyond the powers otherwise conferred by the law of the Province.

3.—(1) Subsection 2 of section 29 of *The Loan Corporations Act* is repealed and the following subsection is substituted therefor:

(2) The amount to be received by any corporation, entitled as hereinbefore provided to receive deposits, shall not at any time exceed the aggregate amount of the then actually paid in and unimpaired permanent capital and of the then actual reserve fund of the corporation and of its cash actually in hand or in any chartered bank or banks to the credit of the corporation, such cash being beneficially owned by the corporation and not being included in either the said permanent capital or reserve fund; but no dividend or bonus shall be paid or declared either wholly or in part out of the reserve fund, which has the effect of diminishing the said aggregate below the amount required by this Act for the borrowings of the corporation.

Rev. Stat.  
c. 205, s. 30,  
subs. 2,  
s. 32, and Sch.  
A, cl. 3  
amended.

(2) Subsection 2 of section 30, also section 32, also clause 3 of Schedule A of *The Loan Corporations Act* are severally amended by substituting therein respectively the words "paid in" for the words "paid up" wherever the latter words occur.

Rev. Stat.  
c. 205, s. 30,  
subs. 4;  
amended.

(3) Subsection 4 of section 30 of *The Loan Corporations Act*, as amended by 63 Victoria, chapter 27, s. 7, subsection 2, is amended by striking out all the words after the word "corporation" in the seventh line down to and including the word "exceed" in the eighth line and by substituting therefor these words:—

"or, in the alternative, the said aggregate shall not exceed the amount of the reserve fund of the corporation and";

and the said subsection is further amended by striking out the words "paid up" in the ninth line and by substituting therefor the words "paid in."

4.—(1) Subsection 1 of section 41 of *The Loan Corporations Act* is amended by adding at the end of the subsection the following words:—

Rev. Stat.  
c. 205, s. 41,  
subs. 1,  
amended.

In any agreement under this Act for the purchase and sale of assets the consideration may consist wholly or in part of partly-paid or of fully-paid shares of the permanent capital stock of the purchasing corporation; and as to any such purchase and sale heretofore purporting to be made under this Act on such consideration and assented to as provided by section 44, it is hereby declared that such purchase and sale is valid and effectual to all intents and purposes whatsoever.

(2) Clause 3 of Schedule A to *The Loan Corporations Act* is amended by adding at the end thereof the following proviso:—

Rev. Stat. c.  
205, Sched. A  
subs. 3,  
amended.

Provided that where the new corporation is to be constituted for the purpose of acquiring the assets of one or more existing corporations and the proposed consideration for such assets is to consist wholly or in part of shares of the capital stock of the new corporation, the Lieutenant-Governor-in-Council may dispense to such extent as he may think proper with the foregoing provisions as to subscription and payment.

Proviso.

See 62-3 V.  
(D), c. 41,  
s. 41, subs. 2.

(3) Section 42 of *The Loan Corporations Act* is amended by adding at the end of the said section the following words:

Rev. Stat.  
c. 205, s. 42,  
amended.

Provided that the Lieutenant-Governor-in-Council in the case of a proposed purchase of assets, may by Order in that behalf dispense with the ratification or acceptance of the agreement by the shareholders of the purchasing corporation where it is shown to his satisfaction that, after due notice of the resolution or by-law proposed to be ratified, the shareholders have ratified a general resolution or by-law authorizing the purchase of the assets of any loan corporation upon the basis and within the limits specified in such by-law.

Proviso.

5. *The Loan Corporations Act* is further amended by inserting after section 49 thereof section 49A as follows:—

Rev. Stat.  
c. 205,  
new sec. 49A.

49A.—(1) Sections 41 to 49 (both inclusive) shall in the respective cases equally apply to the purchase and sale of the assets of one trust corporation to another and to the amalgamation of trust corporations, such corporations in either case being incorporated or having their head offices in the Province of Ontario; and in the case of such trust corporations the additional provisions contained in subsections 2, 3, 4, and 5, of this section shall also apply.

Sections 41 to  
49 to apply to  
trust corporations.

(2) On and from the assent of the Lieutenant-Governor in Council (as provided in section 44) to such purchase and sale or to such amalgamation, all trusts of every kind and description, including incomplete or inchoate trusts, and all and every duty assumed by or binding upon either of the said corporations

Trusts to pass  
to new corporation.

corporations, parties to the said purchase and sale, or to the amalgamation, shall *ipso facto* be transferred to and vested in and bind such purchasing or continuing corporation, hereinafter called the "new corporation," as fully and effectually as if such new corporation had been originally named as the

"Fiduciary." fiduciary in the instrument; and "fiduciary" in this section includes trustee, executor, administrator, assignee, guardian, committee, receiver, liquidator, or agent; and "instrument" in this section includes every will, testamentary document, settlement, instrument of creation, deed, mortgage, assignment, Act of the Legislature, and every judgment, decree, order, direction and appointment of any court, judge, or other constituted authority.

Subject-matter of trust to vest in new corporation.

(3) Whenever in any instrument any estate, money or other property, or any interest, possibility or right is intended at the time or times of the publishing, making or signing of the instrument to be thereafter vested in or administered or managed by or put in the charge of the selling corporation or of either of the amalgamated corporations as the fiduciary, the name of the new corporation shall be deemed substituted for the name of the selling, old, retiring or merged corporation hereinafter in this section called the "old corporation"; and such instrument shall vest the subject-matter therein described in the new corporation according to the tenor of, and at the time indicated or intended by the instrument, the intention of this enactment being that the said new corporation shall not, for the purposes of the instrument, be deemed a new corporation, but shall be deemed and taken in all such matters as standing in the place and stead of the old corporation.

Trusts and duties to be enforceable by or against new corporation.

(4) On and from the said assent of the Lieutenant-Governor-in-Council all rights and remedies of the *cestuis que trust* of the old corporation shall pass unimpaired and attach to and bind the new corporation; and all trusts, duties, rights and remedies enforceable by or against the old corporation shall be as fully and to the same extent enforceable by or against the new corporation.

Case of will or codicil not probated.

(5) In the case of any will or codicil not probated at the date of the said assent whereof probate shall thereafter be applied for in this Province, wherever the name of the old corporation shall appear as executor, trustee, guardian or curator in such will or codicil, such will or codicil shall be read, construed and enforced as if the new corporation was in fact named therein; and the new corporation shall, in respect of such will or codicil have the same status and rights as the old corporation; and in the cases of all probates, administrations, guardianships, curatorships or appointments of administrator or guardian *ad litem* heretofore issued or made by any Court of this Province to the old corporation, which at the date of the said assent are still current and from which the old corporation

Duties of old corporation not completed



poration has not been finally discharged, the new corporation shall *ipso facto* be substituted for the old corporation, and such probates, administrations, guardianships, curatorships and administrations and guardianships *ad litem* shall thereafter be proceeded with and completed by, and in the name of, and as if originally granted to, the new corporation.

6. Clause (b) of section 88 is amended by adding at the end thereof these words:—

Rev. Stat.,  
c. 205, s. 88,  
clause (b),  
amended.

“but no dividend or bonus shall be paid or declared which has the effect of impairing the paid in capital of the corporation.”

(2) Subsection 1 of section 73 of *The Loan Corporations Act* is hereby amended by adding at the end of the said subsection the following words:—


Rev. Stat.,  
c. 205, s. 73,  
subs. 1,  
amended.

Provided that where it appears to the Registrar, in the case of any registered loan corporation issuing terminating shares, that the by-laws forfeiting shares or governing the withdrawal of moneys paid in on terminating shares are not just and reasonable, the Registrar may by writing under his hand and the seal of his office direct the said by-laws to be amended in terms of the said direction; and thereupon the directors of the corporation shall amend the by-laws thereof accordingly and shall file in duplicate with the Registrar a copy of such amending by-law (or by-laws) verified by the affidavit of the proper officers of the corporation; and in default of compliance with the provisions of this subsection the Registrar may suspend or may cancel the registry of the corporation.

7.—(1) Section 104 of *The Loan Corporations Act* is amended by adding at the end of subsection 3 these words:—

Rev. Stat., c.  
205, s. 104,  
subs. 3,  
amended.

Nor exceed the powers which may be given to Trust Companies under *The Ontario Trust Companies Act*, being chapter 206 of the Revised Statutes, 1897. Provided that as to any trust corporation deriving its powers from any other Act of the Province, nothing in this subsection contained shall diminish the powers so conferred, or debar such corporation lawfully exercising such powers from registry on the Trusts Companies' Register.

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(2) The said section 104 is further amended by adding thereto subsection 4 as follows:—

Rev. Stat., c.  
205, s. 104 fur-  
ther amended.

(4) No loan corporation shall stand registered on more than one of the said three registers, nor transact or undertake business in the Province of Ontario other than the business for which the corporation stands registered under this section.

No corpora-  
tion to be  
registered on  
more than one  
register.



Rev. Stat., c.  
205, s. 111,  
amended.

8. Section 111 of *The Loan Corporations Act* is amended by inserting after the word "being" in the first line these words "of one of the classes defined by section 104, and".

Rev. Stat., c.  
205, s. 117  
subs. 2, clause  
(a), amended.

9. Subsection 2 of section 117 of *The Loan Corporations Act*, as amended by section 12 of the Act passed in the 63rd year of Her late Majesty's reign and chaptered 27, is amended by inserting in the eleventh line of clause (a), after the word "term," these words:—

or that assumes or uses in the Province any similar name, or any name or combination of names which is likely to deceive or mislead the public.

Rev. Stat., c.  
205, s. 120,  
amended.

10.—(1) Section 120 of *The Loan Corporations Act* is amended by striking out in clause 14 the figures "25.00" and by substituting therefor the figures "100.00."

Rev. Stat.,  
c. 205, s. 120,  
amended.

(2) The said section is further amended by striking out in clause 15 the figures "1.00" and by substituting therefor the following words and figures:—

per folio of 100 words .....	.10
also for certificate of Registrar .....	1.00

(3) The said section is further amended by adding at the end of clause 17 the following words and figures:—

also for certificate of Registrar .....	1.00.
---	-------

(4) The said section is further amended by adding after clause 17 the following clauses:—

18. Examining and passing upon applications or documents under sections 40 to 49A .....	25.00.
Order-in-Council and Certificate .....	100.00.

19. Examining and passing upon applications or documents under R.S.O., c. 130 .....	25.00.
Order-in-Council .....	100.00.

## CHAPTER 17

## An Act to amend The Street Railway Act

*Assented to 12th June, 1903.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Clause (a) of subsection 4 of section 18 of *The Street Railway Act*, as enacted by section 1 of the Act passed in the first year of the reign of His Majesty King Edward VII., Chapter 25, is amended by inserting after the word "company" in the sixth and seventh lines the words "in the case of cities with a population of less than 20,000, and towns and incorporated villages," and by adding at the end of the said clause the following proviso: "Provided that where the cars of a company are equipped with fenders of a class so approved by the Lieutenant-Governor in Council the company shall not be liable for non-compliance with any by-law or agreement relating to the class of fenders to be used in any city or any requirement of the engineer or other officer of the municipality under any such by-law or agreement."

Rev. Stat., c.  
208, s. 18, subs  
4, cl. (a),  
amended.

2. This Act shall not come into force and take effect until the 1st day of January, 1904.

Commence-  
ment of Act.

## CHAPTER 18

## The Municipal Amendment Act, 1903.

*Assented to 27th June, 1903.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat.  
c. 223, s. 1,  
amended.

1. Section 1 of *The Municipal Act* is amended by inserting therein after the word "and" at the end of the first line the words "except where otherwise expressly provided."

Rev. Stat.  
c. 223, s. 2,  
amended.

2. Section 2 of *The Municipal Act* is amended as follows:—

"County  
town."

(a) By striking out at the end of the paragraph numbered 4, the words "in which the assizes for the county are held" and inserting in lieu thereof the words "in which the court house for the county is situate."

"Electors."

(b) By inserting in the paragraph numbered 5 after the word "by-law" in the third line the words "resolution or question."

"Deputy  
reeves."

(c) By striking out the paragraph numbered 12.

Rev. Stat.  
c. 223, s. 3,  
amended.  
When roll  
"finally  
revised."

3. Section 3 of *The Municipal Act* is amended by inserting therein after the word "revised" at the end of the second line the words "or confirmed."

Powers of  
corporation to  
be exercise-  
able by  
council.

4. Section 10 of *The Municipal Act* is amended by striking out the word "exercised" in the second line and inserting the word "exerciseable" in lieu thereof.

Rev. Stat.  
c. 223, s. 19,  
subs. 1,  
amended.  
Annuling  
incorporation  
of village.

5. Subsection 1 of section 19 of *The Municipal Act* is amended by striking out the words "the village should become unincorporated" in the third and fourth lines and inserting in lieu thereof the words "the incorporation of such village should be annulled."

Rev. Stat.  
c. 223, s. 20,  
repealed.

6. Section 20 of *The Municipal Act* is repealed.



7. Section 24 of *The Municipal Act* as amended by section 3 of *The Municipal Amendment Act 1902* is amended by striking out the words "or in any further proclamation in amendment thereof" and by striking out all the words in the said section after the words "attach thereto" and by adding at the end of the said section the words "The said Proclamation before it takes effect may be amended in any respect by a further Proclamation."

Rev. Stat.  
c. 223, s. 24,  
amended  
Amendment  
of proclama-  
tion altering  
limits.

8. Subsection 1 of section 26 of *The Municipal Act* is repealed and the following substituted therefor:—

Rev. Stat.  
c. 223, s. 26,  
subs. 1,  
repealed.  
Annexation  
of village or  
town to  
adjacent  
village, town  
or city.

(1) The council of any village or town may by resolution declare that it is expedient that such village or town be annexed to an adjacent city, town or village and in case the council of such city, town or village passes a resolution to the same effect, the council of such first mentioned village or town may submit the resolution to the electors and if a majority of the electors voting thereon are in favour of the resolution, the Lieutenant Governor in Council may by proclamation annex the one municipality to the other upon such terms as may have been agreed upon or determined by arbitration.

9. Subsections 4 and 5 of section 26 of *The Municipal Act* are amended by striking out the words "qualified municipal electors" and "municipal electors" wherever they occur in the said subsections and inserting in lieu thereof the word "electors."

Rev. Stat.  
c. 223, s. 26,  
subs. 4 and 5,  
amended.

10. Section 26 of *The Municipal Act* is amended by adding thereto the following subsection:—

Rev. Stat.  
c. 223, s. 26,  
amended.

(8) The term "electors" where it occurs in this section shall have the same meaning as in subsection 1 of section 19 of this Act.

"Electors."

11. *The Municipal Act* is amended by inserting therein the following section:—

Rev. Stat.  
c. 223,  
amended.

26a. The Lieutenant-Governor in Council, in and by any Proclamation for adding territory to a city or town, or for annexing a village or a town to an adjacent city, town or village may provide that the territory added or the village or town annexed, shall for the purpose of elections to the Legislative Assembly continue for such period of time as may be mentioned in the proclamation, to form part of the Electoral District of which it had theretofore formed a part.

Added  
territory may  
remain in  
former elec-  
toral district.

12. Sections 33 and 34 of *The Municipal Act* are repealed.

Rev. Stat.  
c. 223,  
ss. 33 and 34,  
repealed.

13. Sections 37, 38 and 40 to 54, both inclusive, of *The Municipal Act* are repealed.

Rev. Stat.  
c. 223, ss. 37,  
38, 40-54,  
repealed.

Rev. Stat.  
c. 223  
amended.

14. *The Municipal Act* is amended by adding thereto the following section as section 68a:—

Resolutions of  
councils that  
county council  
be composed  
of reeves of  
townships and  
villages and  
mayors of  
towns.

68a. The council of any local municipality within a county, at a special meeting called for that purpose, may by resolution declare that it is expedient that the council of such county should be composed of the reeves of townships and villages and the mayors of towns not separated from the county, instead of representatives of the county council divisions constituted under this Act, and may cause a copy of such resolution, duly certified by the clerk and head of the council under the corporate seal, to be deposited with the clerk of the county on or before the first day of October, in any year, immediately preceding a year in which county councillors are to be elected under this Act.

Resolutions to  
be filed with  
county clerk  
and notice to  
be published  
in newspaper.

(2) In case a resolution has been duly passed and deposited with the clerk of the county in any year under the preceding subsection by the councils of a majority of the local municipalities in the county, the clerk of the county shall certify the facts to the county council in writing signed by him, and shall also, on or before the 15th day of October in such year insert a notice of the passing of the resolution by a majority of the councils of the local municipalities of the county, in some newspaper published in the county town and in one other newspaper published in the county. After the publication of such notice it shall not be necessary to hold an election of county councillors in such county or to appoint nominating officers therefor, but the county council for the following year and thereafter shall be composed of the reeves of all townships and villages in the county and the mayors of all towns not separated from the county for municipal purposes, and the following subsections of this section shall apply to such county.

Declaration of  
office to be  
fyled with  
clerk of  
county.

(3) No reeve or mayor shall take his seat in the county council until he has fyled with the clerk of the county council a certificate of the township, village or town clerk under his hand and the seal of the municipal corporation that such reeve or mayor was duly elected, and has made and subscribed the declarations of office and qualification as such reeve or mayor.

Form of certi-  
ficate as to  
election.

(4) The certificate in subsection 3 mentioned may be in the following form:—

I, (A.B.) of \_\_\_\_\_, Clerk of the Corporation of the Township (*Town or Village, as the case may be*) of \_\_\_\_\_ in the County of \_\_\_\_\_ do hereby, under my hand and the seal of the said Corporation certify that (C.D.) of \_\_\_\_\_ Esquire, was duly elected Reeve (or *Mayor, as the case may be*) of the said Township of (*Town or Village, as the case may be*) and has made and subscribed the declaration of office and qualification as such Reeve (or *Mayor, as the case may be.*)

(5) The members elect of every county council, being at least a majority of the whole number of the council, shall at their first meeting after the yearly elections, and after making the declarations of office and qualification when required to be taken, organize themselves as a council by electing one of themselves to be warden.

Election of  
warden.

(6) At every such election the clerk of the council shall preside, and if there is no clerk the members present shall select one of themselves to preside, and the person so selected may vote as a member.

Clerk of  
council to  
preside.

(7) Where the number of votes cast for a warden is even and no election can be had during the first day of meeting, if no choice is made after the council has voted twice on the second day, the member representing the municipality having the largest equalized assessment shall have two votes, and in case of two or more municipalities having an equalized assessment of the same amount, the clerk shall in open council draw lots to ascertain which member shall give the casting vote.

Who to have  
casting vote  
in the event  
of an equality  
of votes.

(8) In every question arising in a county council constituted under this section which involves the expenditure of money to an excess of \$1,000 for any purpose other than the current annual expenses of the municipality, the result shall be determined by adding together the equalized assessments of the municipalities whose representatives vote for such expenditure and against such expenditure respectively, instead of by a majority vote of the members as in other cases.

Voting of  
members ac-  
cording to  
equalized  
assessment in  
certain ex-  
penditure.

(9) Such county council shall have all the rights, powers and authority vested in county councils by this Act, and, subject to the provisions of subsection 8 of this section, may do and perform all acts, matters and things which county councils might or could do under this Act; and all parts of this Act affecting or applicable to county councils, except the provisions thereof relating to the election of county councillors and the election of a warden, shall apply to the county councils constituted under the preceding subsections of this section.

Powers of  
councils.

(10) The words "local municipality" or "local municipalities" in the preceding subsections of this section shall not include a city or a town separated from the county for municipal purposes.

Meaning of  
words "local  
municipality."

15. Section 71a of *The Municipal Act* is repealed and the following substituted therefor:—

Rev. Stat.  
c. 223, s. 71a  
repealed.

71a—(1), The council of every town having a population of not more than 5,000 shall consist of a mayor, who shall be  
6 s. the

Councils of  
towns of 5,000  
or less.



the head thereof, and of six councillors, who shall be elected by a general vote.

By-law for  
dividing  
town into  
wards.

(2). At any time, after two annual elections have been held under the provisions of sub-section 1 of this section, the council of the town may by by-law provide for the division of the town into wards, and at the annual municipal election held next after the passing of such by-law and thereafter at each annual election so long as the said by law shall remain in force one councillor shall be elected by the electors of each ward, and the remaining councillors to complete the full number of six shall be elected by general vote.

Councils in  
towns of more  
than 5,000  
and cities of  
15,000 or less.  
Election by  
general vote.

(3). The council of any town having a population of more than 5,000, and the council of any city having a population of 15,000 or less, may by by-law provide that the council of such city or town shall be composed of a mayor and one alderman for each 1,000 of population to be elected by general vote, or of a mayor and six aldermen, when the population is less than 6,000.

Return to  
ward system

(4). At any time after two annual elections have been held under the provisions of sub-section 3 of this section, the council of the town or city may by by-law provide for the election of aldermen by wards as provided in section 71 of this Act.

Councils in  
cities of more  
than 15,000  
may be elected  
by general  
vote.

(5). In any city having a population of more than 15,000, the council may by by-law provide that the aldermen shall be elected by a general vote of the municipal electors, and may in like manner repeal any such by-law.

Submitting  
by-laws to  
electors.

(6). No by-law shall be passed under this section by the council of any city or town, nor shall any by-law repealing the same be so passed until it shall have been submitted to the electors at an annual municipal election, and shall have received the assent of a majority of the electors voting thereon.

When by-laws  
to be sub-  
mitted.

(7). Upon a petition signed by at least twenty per cent. of the electors of the city or town, as the case may be, being presented to the council on or before the 1st day of November, in any year, for the submission of a by-law under sub-sections 2 and 4, and upon a petition signed by at least 400 electors of a city being presented to the council on or before the said date for the submission of a by-law, or the repeal thereof under sub-section 5 it shall be the duty of the council of such city or town, as the case may be, to submit the by-law at the then next ensuing annual municipal election. Provided that no by-law passed under sub-sections 2, 3 and 4 of this section shall be repealed until at least two annual municipal elections have been held under such by-law, and no by-law passed

Provided.



passed under sub section 5 of this section shall be repealed until at least five annual municipal elections have been held thereunder.

(8). The word "electors" in this section shall mean the "Electors." persons qualified to vote at municipal elections in the city or town, as the case may be.

(9). Every by-law passed under this section shall come into force and take effect at the next annual municipal election. When by-law to take effect.

(10). The population of any city or town shall, for the purposes of this section, be determined by the latest census of the Dominion of Canada. Population, how determined.

16. Subsection 1 of section 76 of *The Municipal Act* is amended by striking out the word "rated" in the 12th line and inserting the word "assessed" in lieu thereof. Rev. Stat. c. 223, s. 76, subs 1, amended.

17. Clause (b) of subsection 2, of section 80, of *The Municipal Act* is amended by adding after the word "office" in the fourth line of the said clause the following words:— Rev. Stat. c. 223, s. 80, subs. 2, cl. (b) amended.

"Or by reason of any such exemption being founded on any contract or agreement made between him and the council of any such municipal corporation with respect to such exemption."

18. Section 81 of *The Municipal Act* is amended by striking out all the words therein after the word "councillor" at the end of the 7th line of the said section. Rev. Stat. c. 223, s. 81, amended.

19. *The Municipal Act* is amended by adding the following as section 95a:— Rev. Stat., c. 223, amended.

95a. In cities having a population of over 100,000 inhabitants, the council thereof may, by by-law to be passed not later than the 15th day of November in any year, enact that the meeting of electors for the nomination of candidates for the offices of Mayor, Aldermen and Public School Trustees, shall be held on the 23rd day of December, except where the said 23rd day of December falls on a Sunday, in which case the nomination shall be held on the following day, and that the election of Mayor, Aldermen and Public School Trustees in such municipality (except such members as have been previously elected) shall be held on the 1st day of January next thereafter, except where the 1st day of January falls on a Sunday, in which case the election shall be held on the following day.

20. Section 99 of *The Municipal Act* is repealed.

Rev. Stat. c. 223, s. 99, repealed.

21. Section 103 of *The Municipal Act* is repealed.

Rev. Stat. c. 223, s. 103, repealed.

Rev. Stat.  
c. 223, s. 105,  
amended.

**22.** Section 105 of *The Municipal Act* is amended by striking out all the words therein after the word "election" in the first line down to and including the word "election" in the second line, and by inserting the word "shall" after the word "thereof" in the third line of the said section.

Rev. Stat.  
c. 223, s. 117,  
repealed.

**23.** Section 117 of *The Municipal Act* as amended by section 6 of *The Municipal Amendment Act, 1902*, is repealed, and the following substituted therefor:—

Administra-  
tion of oaths  
to voters.

117. Such oaths or affirmations may be administered by the returning officer or deputy returning officer, as the case may be, if he shall think proper, and shall be administered at the request of any candidate or his authorized agent, and no enquiries shall be made of any voter except with respect to the facts specified in such oaths or affirmations.

Rev. Stat., c.  
223, s. 129,  
subs. (3a),  
amended.  
Limiting time  
for filing de-  
clarations of  
qualification.

**24.** Subsection (3a) of section 129 of *The Municipal Act* as enacted by *The Municipal Amendment Act, 1900*, is amended by inserting after the word "or" in the second line thereof the following words "at any time before nine o'clock p.m."

Rev. Stat.  
c. 223, s. 131  
amended.

**25.** (1) Section 131 of *The Municipal Act* is amended by striking out the words "the number of members necessary to complete" and the word "is" in the 4th and 5th lines of the said section.

Rev. Stat. c.  
223 amended.

(2) *The Municipal Act* is amended by inserting therein the following section:—

When new  
election to  
be held.

131a. In cases arising under the two last preceding sections the new election shall be held as soon as practicable.

Rev. Stat.  
c. 223, ss. 158,  
158a, 159 and  
161 repealed.

**26.** Sections 158, 158a, 159 and 161 of *The Municipal Act* are repealed and the following substituted therefor:—

Where and  
how often  
electors may  
vote.

158. (1) In cities and towns in which the aldermen or councillors are elected by general vote and in townships and villages every elector may vote once only for mayor or reeve, and once only for each alderman or councillor to be elected, and in case any elector is rated for the necessary qualification to vote in more than one ward or polling subdivision of the municipality in which he resides then he shall vote in the ward or polling subdivision in which he resides if qualified to vote therein; or in case he is not so rated in the ward or polling subdivision in which he resides, or is a non-resident,—then at the place at which he first votes and there only.

(2) In cities and towns in which the aldermen or councillors are elected by wards, every elector may vote once only for mayor at the polling place for the ward or polling subdivision

in

in which he resides, or in case he is a non-resident or is not entered on the voters' list as entitled to vote in that ward or polling subdivision, then where he first votes and there only.

(3) In cities and towns in which aldermen or councillors are elected by wards every elector rated in any ward for the necessary qualification may vote once in each ward for each alderman or councillor to be elected for the ward.

**27.** Section 162 of *The Municipal Act* is repealed and the following substituted therefor:—

162. (1) Any person who votes more often than he is entitled to under the provisions of this Act shall incur a penalty of \$50.

Rev. Stat.  
c. 223, s. 162 ]  
repealed.  
Penalty for  
voting more  
often than  
entitled.

(2) The receipt by any voter of a ballot paper within the polling booth shall be *prima facie* evidence that he has there and then voted.

**28.** Section 166 of *The Municipal Act* is amended by striking out all the words therein after the word "aforesaid" in the eighth line of the said section.

Rev. Stat.  
c. 223, s. 166  
amended.

**29.** Section 175 and section 175a of *The Municipal Act* enacted by section 11 of *The Municipal Amendment Act, 1901*, are repealed and the following substituted therefor:—

Rev. Stat.  
c. 223, ss. 175  
and 175a  
repealed.

175. In cities where the aldermen are elected by general vote not more than one agent of any candidate and in other municipalities not more than two agents of any candidate shall be entitled to be present at the same time in any polling place during the voting or at the counting of the votes.

Agents who  
may be  
present in  
polling, etc.

**30.** Sub-section 1 of section 189 of *The Municipal Act* is amended by striking out the words "a petition questioning" in the 7th and 8th lines and inserting in lieu thereof the words "taking proceedings under the Act in contesting."

Rev. Stat.  
c. 223, s. 189  
subs. 1  
amended.

**31.** Sub-section 9 of the said section 189 is amended by striking out all the words therein after the word "person" in the second line and inserting in lieu thereof the words "may have under the provisions hereinafter contained by proceedings in the nature of *quo warranto* or otherwise."

Rev. Stat.  
c. 223, s. 189,  
subs. 9  
amended.

**32.** Sub-section 1 of section 219 of *The Municipal Act* is repealed and the following substituted therefor:—

Rev. Stat.  
c. 223, s. 219,  
subs. 1  
repealed.

(1) In case the validity of the election or the appointment or the right to hold the seat of a mayor, warden, reeve, alderman, county councillor or councillor is contested, the same may be tried by a Judge of the High Court or the Judge or acting Judge of the County Court of the County in which the election or appointment of the person whose election or appointment, or whose right to sit,

Proceedings  
to vacate  
seat of mem-  
ber of  
Council.

sit, is contested was elected or appointed. Any candidate at such election, or any elector who gave or tendered his vote thereat, or in case of an election by acclamation, or in case the right to sit is contested on the ground that a member has become disqualified or has forfeited his seat since his election or appointment, any elector entitled to vote at a municipal election in the municipality may be the relator for the purpose.

Rev. Stat. c.  
223, s. 220  
subs. 1,  
amended.

**33.** Sub-section 1 of section 220, of *The Municipal Act* is amended by inserting therein after the words "or councillor" in the 8th line the words "or in case at any time the relator shows by affidavit to such Judge reasonable ground for supposing that any member of the council of a local municipality or of a county council has forfeited his seat or has become disqualified since his election."

Rev. Stat., c.  
221, subs. 2,  
amended.

**34.** Subsection 2 of section 221 of *The Municipal Act* is amended by striking out the words "or voter" in the third line and inserting in lieu thereof the words "or as an elector of the municipality," and by adding at the end of the said sub-section the words "or the grounds of forfeiture or disqualification, as the case may be."

Rev. Stat., c.  
223, s. 225,  
amended.

**35.** Section 225 of *The Municipal Act* is amended by inserting after the word "elected" in the second line the words "or sitting as members of the council or county council."

Rev. Stat., c.  
223, s. 226,  
amended.

**36.** Section 226 of *The Municipal Act* is amended by inserting therein after the word "elected" in the fourth line the words "or to attack the right of any member to sit."

Rev. Stat., c.  
223, s. 227,  
amended.

**37.** Section 227 of *The Municipal Act* is amended by inserting therein after the word "election" in the second line the words "or the right to sit."

Rev. Stat.,  
c. 223, s. 232,  
subs. 1,  
amended.

**38.** Sub section 1 of section 232 of *The Municipal Act* is amended by inserting after the word "election" in the third line the words "or the right of any person to sit."

Rev. Stat.,  
c. 223, s. 233,  
amended.

**39.** Section 233 of *The Municipal Act* is amended by striking out all the words therein after the word "removed" in the 7th line and inserting in lieu thereof the words "or in case the Judge determines that some person duly elected has become disqualified or has forfeited his seat then except as provided by section 215a the Judge shall order a new election to be held."

Rev. Stat.,  
c. 223, s. 234,  
amended.

**40.** Section 234 of *The Municipal Act* is amended by inserting therein after the word "invalid" in the second line the words "or in case the Judge determines that all the mem-  
bers



bers of the council have become disqualified or have forfeited their seats."

41. Section 238 of *The Municipal Act* is amended by striking out the word "may" in the first line, and by inserting after the word "person" in the 3rd line the words "or any person whose seat is attacked on the ground that he has become disqualified or has forfeited his seat, may". Rev. Stat., c. 223, s. 238, amended.

42. Section 241 of *The Municipal Act* is repealed and the following section substituted therefor:— Rev. Stat., c. 223, s. 241, repealed.

241. A disclaimer filed under section 240 of this Act shall relieve the person making it from all liability to costs, and where a disclaimer has been made in accordance with section 238 or section 240 of this Act it shall operate as a resignation and the vacancy so created shall be filled in the manner provided by this Act with respect to vacancies caused by resignation. When disclaimer to relieve from liability for costs.

43. Section 243 of *The Municipal Act* is amended by inserting after the word "disclaiming" in the second line the words "under section 238 of this Act." Rev. Stat., c. 223, s. 243, amended.

44. Section 244 of *The Municipal Act* is amended by inserting therein after the word "elections" in the 7th line the words "or the question of the right of any person to sit in a council or county council." Rev. Stat., c. 223, s. 244, amended.

45. *The Municipal Act* is amended by inserting therein the following section:— Rev. Stat., c. 223, amended.

244a. In cases provided for by this Act in which the validity of an election is contested or in which the right to sit in any municipal council is questioned, *quo warranto* proceedings shall not be taken but in every such case the practice and procedure shall be as prescribed by section 219 and following sections of this Act and the Rules of Court heretofore or hereafter made as provided in section 244 of this Act. Remedy by quo warranto abolished and procedure under act substituted.

46. Section 248 of *The Municipal Act* is amended by inserting after the word "motion" in the first line the words "under this Act." Rev. Stat., c. 223, s. 248, amended.

47. Section 249 of *The Municipal Act* is amended by striking out the words "a trial upon" in the second line and inserting in lieu thereof the words "the hearing of." Rev. Stat., c. 223, s. 249, amended.

48. (1) Section 251 of *The Municipal Act* is amended by striking out the words "section 166" in the second line and inserting in lieu thereof the words "sections 162 and 166." Rev. Stat., c. 223, s. 251, amended.

Rev. Stat.,  
c. 223, s. 251,  
amended.

(2) The said section is further amended by adding thereto the following subsection:—

Enforcing  
penalties  
for corrupt  
practices at  
elections.

(2) The judge shall direct that in default of payment of any such penalty and costs within the time fixed by the Judge, the offender shall be imprisoned in the common gaol of the county for such period, not exceeding thirty days, as shall be directed by the said judgment, and in case of such default of payment the Judge shall issue a warrant for the arrest and confinement of the offender in such common gaol in accordance with the said judgment unless the penalty and costs are sooner paid.

Rev. Stat.,  
c. 223, s. 265,  
amended.

49. Section 256 of *The Municipal Act* is amended by inserting after the word "proceedings" in the first line the words "under this Act."

Rev. Stat.,  
c. 223, s. 257,  
amended.

50. Section 257 of *The Municipal Act* is amended by striking out the words "or any other Act of the Legislature of Ontario" in the second line and inserting after the word "election" in the fourth line the words "or at the voting upon a by-law."

Rev. Stat.,  
c. 223, s. 263,  
amended.

51. Section 263 of *The Municipal Act* is amended by striking out all the words therein from the commencement of the said section down to the word "votes" in the fifth line and inserting in lieu thereof the following:—

Election of  
warden.  
Casting vote.

263. Where the number of votes cast for two or more members upon the election of a warden is even, and no election can be had during the first day of meeting, if no choice is made after two votes have been taken in the council on the second day, the senior member representing the division having the largest equalized assessment shall have two votes, but should two divisions have the same equalized assessment then the senior member representing that division which has the larger number of voters according to the last revised voters' lists shall have two votes.

Rev. Stat.,  
c. 223, s. 265,  
amended.

52. Section 265 of *The Municipal Act* is amended by striking out the words "either within or without the municipality" in the third line and by striking out the words "by by-law or" in the fourth line.

Rev. Stat.,  
c. 223, s. 269,  
amended.

53. Section 269 of *The Municipal Act* is amended by inserting after the word "three" in the second line the words "not disqualified to vote on the question."

Rev. Stat.,  
c. 223, s. 271,  
amended.

54. Section 271 of *The Municipal Act* is amended by adding after the word "by-law" in the first line the words "or resolution."

55. Section 274 of *The Municipal Act* is repealed and the following substituted therefor:—

Rev. Stat.,  
c. 223, s. 274,  
repealed.

274. The head of the council or the presiding officer or chairman of any meeting of any council, except in cases where he is disqualified to vote by reason of interest or otherwise may vote with the other members on all questions, and except where otherwise expressly provided by this Act any question on which there is an equality of votes shall be deemed to be negatived.

Head of  
council may  
vote.  
Equality  
of votes to  
negative  
question.

56. *The Municipal Act* is amended by adding the following as section 276b:—

Composition  
of city council.

276b Notwithstanding anything in this Act or in any special Act contained upon and from the date of the next municipal elections, the municipal council of the City of Toronto shall thereafter consist of the mayor and four controllers to be elected from the city at large, and eighteen aldermen, three of whom shall be elected from each of the six wards of the city, and the four controllers so elected, together with the mayor, shall be the Board of Control for the said city.

(2) Each elector entitled to vote for mayor shall also be entitled to vote for four persons to be elected controllers, or for one or more thereof less than four, and the aldermen shall be elected in the manner at present provided by law by the municipal electors entitled to vote in each of the wards in which they may be qualified so to vote.

Election of  
controllers  
and aldermen.

(3) The candidates for the office of controller shall be nominated at the same time and place and in the same manner as candidates for the office of mayor are nominated, and the provisions of this Act providing for the nomination and election of a mayor including election by acclamation and the filling of any vacancy that may occur in the said office shall except as otherwise provided herein *mutatis mutandis* apply to the nomination and election of controllers.

Nomination  
of controllers.

(4) Any person desiring to vote for a controller or for controllers shall do so by placing a cross opposite the name or names of the candidates for whom he so desires to vote, and if he desires to give more than one vote for any of such candidates he shall place opposite the name of such candidate as many crosses (not exceeding four) as he desires to give votes for such candidate, but in no case shall he give more than four votes, and any ballot containing more than four votes for a controller or controllers shall be rejected so far as the votes for controllers are concerned.

Cumulative  
voting for  
controllers.

(5) No person shall be qualified to be elected to the position of controller who has not served for at least two years as a member of the city council prior to the date of his nomination

Additional  
qualifications.

tion

tion as controller in addition to possessing the property and other qualification as required for mayor by section 76 of this Act.

Rev. Stat.  
c. 223, Sched.  
B, amended.

(6) Where at any election in the City of Toronto four controllers are to be elected, there shall be added to the directions contained in Schedule B. of this Act, the following paragraph specially applicable to the election of controllers:—

Directions to  
voters.

Where four controllers are to be elected and the voter desires to give one, two, three or four votes for one or more candidates, he shall place one cross thus **X** or two crosses thus **XX** or three crosses thus **XXX** or four crosses thus **XXXX** (as he may desire) on the right hand side opposite the name of the candidate for whom he votes.

Controllers to  
have powers  
of aldermen.

(7) All powers, duties and obligations given, conferred or placed upon aldermen in cities shall be possessed and exercised by, and shall be binding upon any controller provided for under this section.

Special  
provisions as  
to Toronto.

(8). Subsections 1, 2, 5, 6 and 7 of section 276 of this Act shall not apply to the City of Toronto.

Remuneration  
of controllers.

(9) Subsection 4 of the said section 276 is amended by substituting \$1,000 for \$700 therein.

Rev. Stat..  
c. 223, s. 277,  
subs. 8,  
amended.

**57.** Subsection 8 of section 277 of *The Municipal Act* is amended by striking out the words "free library" in the third line and inserting in lieu thereof the words "public library."

Rev. Stat. c.  
223, s. 284,  
subs. 1  
amended.

**58.** Subsection 1 of section 284 of *The Municipal Act* is amended by inserting after the words "as well as" in the second line the words "the minutes and proceedings of committees of the council whether the acts of such committees have been adopted or not and also."

Rev. Stat.  
c. 223 s. 285,  
subs. 2,  
amended.

**59.** Subsection 2 of section 285 of *The Municipal Act* is amended by striking out the words "section 390" in the fourth line and substituting therefor the figures "338."

Rev. Stat.  
c. 223, s. 290,  
amended.

**60.** Section 290 of *The Municipal Act* is amended by striking out the word "lawful" in the fourth line thereof.

Rev. Stat.  
c. 223, s. 294,  
amended.

**61.** Section 294 of *The Municipal Act* is amended by adding at the end thereof the following words "and the council shall forthwith give notice of such dismissal to the sureties of such treasurer."

Rev. Stat..  
c. 223, s. 299,  
subs. 1,  
amended.

**62.** Subsection 1 of section 299 of *The Municipal Act* is amended by inserting the words "and section 309" after the word "sections" in the first line, and striking out the words "as



"as to cities" at the beginning of the second line of the said subsection.

**63.** Subsection 1 of section 301 of *The Municipal Act* as enacted by section 9 of *The Municipal Amendment Act, 1898*, is amended by inserting after the word "year" in the fourth line the words "for the succeeding year." Rev. Stat.  
c. 223, s. 301,  
subs. 1,  
amended.

**64.** (1) Subsection 1 of section 304 of *The Municipal Act* is amended by inserting after the word "auditors" in the first line the words "appointed under section 299." Rev. Stat.  
c. 223, s. 304,  
subs. 1,  
amended.

(2) Subsection 2 of the said section is amended by striking out the words "The auditors shall" at the commencement of the said subsection, and inserting in lieu thereof the words "The auditor or auditors of every municipality other than the City of Toronto shall annually," and by striking out the words "within one month after their appointment" in the thirteenth and fourteenth lines, and inserting in lieu thereof the words "in the case of auditors appointed under section 299 within one month after their appointment, and in the case of auditors appointed under section 301 or section 309 within one month after the expiry of each year for which they are appointed," and by striking out the words "inhabitant or ratepayer" in the 14th line and inserting in lieu thereof the word "resident." Rev. Stat.  
c. 223, s. 304,  
subs. 2,  
amended.  
Duties of  
auditors.

(3) Subsection 3 of the said section 304 is amended by striking out the word "They" at the commencement of the subsection and inserting in lieu thereof the words "The auditor or auditors of every municipality." Rev. Stat.  
c. 223, s. 304,  
subs. 3,  
amended.

(4) Subsection 9, of the said section 304, is amended by striking out the words "East Algoma" and "West Algoma," and inserting in lieu thereof the words "Port Arthur and Rainy River, Fort William and Lake of the Woods, Sault Ste. Marie, Algoma Manitoulin, East Nipissing, West Nipissing." Rev. Stat.  
c. 223, s. 304,  
subs. 9,  
amended.

**65.** Section 309 of *The Municipal Act* as enacted by section 10 of *The Municipal Amendment Act, 1898*, is further amended by adding after the word "auditor" in the second line thereof the words "or auditors." Rev. Stat.,  
c. 223, s. 309,  
amended.

**66.** Subsection 2, of section 311 of *The Municipal Act* is amended by striking out the words "deputy reeve" in the second line. Rev. Stat.  
c. 223, s. 311,  
subs. 2,  
amended.

**67.** Section 316 of *The Municipal Act* is amended by striking out the words "reeve or deputy reeve" in the first and second lines and inserting in lieu thereof the words "or reeve." Rev. Stat.,  
c. 223, s. 316,  
amended.

Rev. Stat.  
s. 319,  
amended.

**68.** Section 319 of *The Municipal Act* is amended by striking out the words "or deputy reeve" in the second line.

Rev. Stat.  
c. 223, s. 324,  
subs 1  
amended.

**69.** (1) Subsection 1, of section 324 of *The Municipal Act* is amended by striking out the words "or officer" at the end of the sixth line and inserting in lieu thereof the words "officer or servant."

Rev. Stat.  
c. 223, s. 324,  
amended.

(2) The said section 324 is amended by adding thereto the following subsection :—

Power to  
engage  
counsel in in-  
vestigation of  
charges of  
malfeasance.

(3) The council requesting any such investigation may engage and pay counsel to represent the corporation therein, and may pay all proper witness fees to persons summoned to give evidence at the instance of the corporation and any person charged with malfeasance, breach of trust or other misconduct, or whose conduct is called in question on such investigation may be represented by counsel thereon.

Rev. Stat., c.  
223, s. 326  
amended.

**70.** Section 326 of *The Municipal Act* is amended by inserting after the word "may" in the first line the words 'by by-law.'

Rev. Stat., c.  
223, s. 333  
repealed.

**71.**—(1) Section 333 of *The Municipal Act* is repealed and the following substituted therefor :—

Authenti-  
cation of  
by-laws.

333 Every by-law shall be under the seal of the corporation and shall be signed by the head of the corporation, or by the officer or chairman presiding at the meeting at which the by-law was passed and by the clerk of the corporation and every original by-law so sealed and signed when produced by the clerk or any officer of the corporation charged with the custody thereof, shall be received in evidence in any court of justice without proof of the seal or signatures, unless it is specially pleaded or alleged that the seal or one or both of the signatures has or have been forged.

Rev. Stat., c.  
223, amended.

(2) *The Municipal Act* is amended by adding thereto the following section as section 337a.

Certificate of  
clerk that  
petition for  
by-law duly  
signed.

337a. Where by this or any other Act it is provided that a by-law may be passed by any municipal council upon the application of a certain number of ratepayers, such by-law shall not be finally passed by the council until the clerk of the municipality has certified that the application was signed by the requisite number of persons who represent the requisite amount of property according to the last revised assessment roll of the municipality.

Rev Stat. c.  
223, s. 344  
amended.

**72.** Section 344 of *The Municipal Act* is amended by striking out all the words therein after the word "officer" in the fourth line and inserting in lieu thereof the words "or in the case of

of a municipality not divided into polling sub-divisions to the clerk of the municipality or other person acting as returning officer as the case may be."

**73.** Section 348 of *The Municipal Act* is amended by striking out the words "under the provisions of sections 353 and 354 of this Act" where they occur in the eighth and ninth lines of the said section. Rev. Stat., c. 223, s. 348 amended.

**74.** Section 351 of *The Municipal Act* is amended by inserting therein after the word "inclusive" in the fourth line the words "except section 179." Rev. Stat., c. 223, s. 351 amended.

**75.** Subsection 1 of section 353 of *The Municipal Act* is amended by striking out the word "requiring" in the second and third lines and inserting in lieu thereof the words "for contracting a debt which requires." Rev. Stat., c. 223, s. 353, subs. 1 amended.

**76.** Subsection 1 of section 354 of *The Municipal Act* is amended by striking out the word "requiring" in the second line and inserting in lieu thereof the words "for contracting a debt which requires" and by striking out the words "in the case of a by-law for contracting a debt" in the sixteenth line of the said section. Rev. Stat., c. 223, s. 354, subs. 1 amended.

**77.** (1) Sections 356 and 357 of *The Municipal Act* are amended by inserting at the commencement of each of the said sections respectively the words "in the case of a by-law for contracting a debt." Rev. Stat., c. 223, ss. 356 and 357 amended.

(2) The said section 357 is further amended by inserting in the form of oath given in the said section after the third paragraph thereof the following:— Rev. Stat., c. 223, s. 357 amended.

*Or in the case of a by-law or resolution to be voted upon by leaseholders for a specified term of years.*

That you are (or your wife is) a leaseholder within this municipality (or ward as the case may be) under a lease extending over a period of not less than \_\_\_\_\_ years from \_\_\_\_\_ (inserting the period fixed by the section under which the vote is taken.) Form of oath of leaseholder voting on by-law.

**78.** Section 364 of *The Municipal Act* is amended by inserting after the words "whether the" in the ninth line the word "required." Rev. Stat., c. 223, s. 364 amended.

**79.** Subsection 4 of section 366a of *The Municipal Act* is amended by inserting after the word "Algoma" in the second line the word "Manitoulin." Rev. Stat., c. 223, s. 366a, subs. 4 amended.

**80.** Section 369 of *The Municipal Act* is amended by inserting after the word "elector" in the third line the words "who was entitled to vote upon the by-law." Rev. Stat., c. 223, s. 369 amended.

Rev. Stat., c.  
223, s. 373  
amended.

**81.** Section 373 of *The Municipal Act* is amended by adding at the end thereof the following proviso :—

Provided however that where a by-law which the council has been legally required by petition or otherwise to submit to a vote of the electors is duly carried it shall be the duty of the council within six weeks thereafter to pass the said by-law.

Rev. Stat., c.  
223, s. 378, subs.  
1 amended.

**82.** (1) Subsection 1 of section 378 of *The Municipal Act* is amended by inserting after the words “apply to” in the third line the words “a judge of.”

Rev. Stat., c.  
223, s. 378, subs.  
4 amended.

(2) Subsection 4 of the said section 378 is amended by striking out the words “any costs which may be adjudged to them” in the last two lines and inserting in lieu thereof the words “any costs which may be awarded to the municipality against the applicant.”

Rev. Stat., c.  
223, s. 378, subs.  
6 amended.

(3) Subsection 6 of the said section 378 is amended by striking out the word “adjudged” in the fourth line and inserting in lieu thereof the word “awarded.”

Rev. Stat., c.  
223, s. 378a  
amended.

**83.** Section 378a of *The Municipal Act* is amended by striking out all the words in the last three lines and inserting in lieu thereof the words “a deposit in lieu of a recognizance under section 378.”

Rev. Stat., c.  
223, s. 384, subs.  
3 repealed.

**84.** (1) Subsection 3 of section 384 of *The Municipal Act* as amended by section 15 of *The Municipal Amendment Act 1901*, is repealed and the following substituted therefor :—

Issue of debentures under money by-laws.

(3) The debentures shall, save as hereinafter provided, be dated and issued all at one time, and in such case within two years after the passing of the by-law; Provided that in any case where, because of the proposed expenditure upon the objects for which the debt is contracted, being estimated to extend over a series of years, and it being undesirable to have large portions of the moneys on hand unused and uninvested, or for other like or sufficient causes set out in the by-law, it would, in the opinion of the municipal council, be to the advantage of the municipality to issue the debentures in instalments, the by-law may provide that the debentures may be issued in instalments of such amounts (not exceeding in the aggregate the total amount for which provision is made by the by-law) and at such times, as the exigency of the case demands, but so that the whole shall be issued within five years, and the first instalment within two years, after the passing of the by law and in such case the debentures may be issued according to the provisions of the by-law. This subsection shall apply to by-laws passed on or before the 15th day



day of April, 1901, as well as to by-laws passed after the said date.

(2) Subsection 4 of the said section is amended by striking out all the words therein after the word "are" in the eleventh line and inserting in lieu thereof the word "issued." Rev. Stat., c. 223, s. 384, subs. 4 repealed.

**85.** Section 386 of *The Municipal Act* is amended by adding thereto the following subsection:— Rev. Stat., c. 223, s. 386 amended.

(3) Any municipal council issuing debentures under any by-law may include the interest on the debentures in the amount payable, in lieu of the interest being payable annually in respect of each debenture and any by-law authorizing the issue of debentures for a certain amount and interest, shall be taken to authorize the issue of debentures in accordance with this section to the same amount with interest added. Including interest with principal in debentures.

**86.** Subsection 1 of section 389 of *The Municipal Act* is amended by striking out the words "last preceding section" in the first and second lines, and inserting in lieu thereof the words "two last preceding sections," and by striking out the words "receive the assent of" in the seventh line and inserting in lieu thereof the words "be submitted to." Rev. Stat., c. 223, s. 389, subs. 1, amended.

**87.** Subsection 1 of section 389 of *The Municipal Act* is amended by adding after the word "assessment" in the fourth line thereof, the words "or under section 9 of the *Act for the Improvement of Public Highways* passed in the first year of the Reign of His Majesty King Edward the Seventh." Rev. Stat. c. 223, s. 389, subs. 1 amended.

**88.** Subsection 1 of section 397 of *The Municipal Act* is amended by striking out the words "an adjoining" in the fifth line and inserting in lieu thereof the words "a neighbouring." Rev. Stat., c. 223, s. 397, subs. 1 amended.

**89.** Subsection 2 of section 397 is amended by striking out the words "(or in the case provided for by section 400 within one month) from the date of registration," and inserting in lieu thereof the words "after the first publication of this notice." Rev. Stat., c. 223, s. 397, subs. 2 amended.

**90.** Section 398 of *The Municipal Act* is amended by adding at the end thereof the words "and it shall not be necessary to publish notice of the passing or the registration thereof." Rev. Stat., c. 223, s. 398 amended.

**91.** Subsection 1 of section 399 of *The Municipal Act* is amended by inserting therein after the word "thereof" in the seventh Rev. Stat., c. 223, s. 399, subs. 1 amended.

seventh line the words "or where publication of the notice of registration is required by section 397 then after the first publication of such notice," and by inserting after the words "made to" in the eighth line the words "or brought in."

Rev. Stat., c. 223, s. 402, subs. 2 amended. **92.** Subsection 2 of section 402 of *The Municipal Act* is amended by striking out the words, "on or prior to the 19th day of March, 1873."

Rev. Stat., c. 223, s. 432 repealed. **93.** Section 432 of *The Municipal Act* is repealed and the following substituted therefor :—

Debentures to be valid when interest has been paid for one year. **432.** Where in the case of any by-law heretofore or hereafter passed by a municipal council the interest for one year or more on the debentures issued under such by-law and the principal of the matured debentures (if any) has or shall have been paid by the municipality, the by-law and the debentures issued thereunder remaining unpaid shall be valid and binding upon the corporation and shall not be quashed or set aside on any ground whatever.

Rev. Stat., c. 223, subs. 5, amended. **94.** Subsection 5 of section 433 of *The Municipal Act* is amended by striking out the word "council" in the second line and inserting in lieu thereof the words "any municipal council."

Rev. Stat., c. 223, sec. 454, amended. **95.** (1) Section 454 of *The Municipal Act* is amended by striking out the words "shall nominate" in the eleventh and twelfth lines and inserting in lieu thereof the words "on notice to the opposite party shall appoint."

Rev. Stat., c. 223, s. 456, repealed. **(2)** Section 456 of *The Municipal Act* is repealed.

Rev. Stat., c. 223, s. 457, amended. **96.** Section 457 of *The Municipal Act* is amended by striking out all the words after the word "arbitration" in the eighth line.

Rev. Stat., c. 223, s. 474, repealed. **97.** Section 474 of *The Municipal Act* is repealed.

Rev. Stat., c. 223, s. 475, amended. **98.** Section 475 of *The Municipal Act* is amended by inserting after the word "alderman" in the first line the words "or member of a county council."

Rev. Stat., c. 223, s. 488, amended. **99.** Section 488 of *The Municipal Act* is amended by striking out all the words therein after the word "required" in the fifth and sixth lines.

Rev. Stat., c. 223, s. 492, subs. 1, amended. **100.** Subsection 1 of section 492 of *The Municipal Act* is amended by striking out all the words therein after the word "force" in the eighth line.

Rev. Stat., c. 223, s. 507. **101.** Section 507 of *The Municipal Act* is amended by striking out the words "a separate county" in the first line and inserting in lieu thereof the words "separated from the county."

**102.** Section 524 of *The Municipal Act* is amended by adding thereto the following sub-section :—

Rev. Stat.,  
c. 223, s. 524,  
amended.

(9) Where a person sent to the house of refuge has not resided continuously in the local municipality, by or from which he is sent, for the period of three years immediately preceding his committal, every city, town, village or township, whether in the same county or in an adjoining county, in which such person has resided during such period, shall be responsible for a proportionate share of the cost of his maintenance and support at the house of refuge, and of the expenses connected with his committal thereto; and the local municipality which makes the payments in the first instance may recover from any other municipality so made liable in the Division Court held within or near to the municipality suing, such proportion of the said cost and expenses as the length of residence of the inmate in the municipality against which the claim is made bears to the whole of the said period of three years; and any such suit may be brought against one or more municipalities liable in order that the rights and liabilities of all the municipalities concerned may be settled in one suit. Provided that any sums advanced by any municipality towards the maintenance and support of such person during the said period of three years prior to his committal to the house of refuge shall be treated as part of the said cost and expenses, and be taken into account in fixing the proportions to be paid by the different municipalities concerned.

Cost of maintenance of person committed to house of refuge; how apportioned.

Proviso.

**103.** Section 525 of *The Municipal Act* is amended by striking out all the words therein after the word "earnings" in the sixth line.

Rev. Stat.,  
c. 223, s. 525,  
amended.

**104.** Paragraph numbered 2 in section 529 of *The Municipal Act* is amended by striking out all the words after the words "habitual drunkards" in the fourth line and inserting in lieu thereof the words "such persons being habitual drunkards who also are within the description of persons referred to in section 526 and as may by the council be deemed and by by-law be declared to be expedient."

Rev. Stat.,  
c. 223, s. 529,  
amended.

Committals to inebriate asylums.

**105.** Section 533 of *The Municipal Act* is amended by adding the following paragraph :—

Rev. Stat.,  
c. 223, s. 533,  
amended.

1a. For providing for the submission to a vote of the electors at any annual municipal election of any question not specifically authorized by law; for determining whether such questions shall be voted upon by the municipal electors generally or by the electors qualified to vote on a by-law for the creation

Submission of questions of general policy to electors at municipal elections.

tion of debts only, and for prescribing the procedure to be taken for such vote.

(a) The oaths to be taken by voters upon any such question shall, with such variations as may be necessary, be in the form prescribed for use at municipal elections or voting on money by-laws as the case may be.

(b) All the provisions of this Act respecting corrupt practices at municipal elections and voting on by-laws and all regulations and penalties provided by this Act with respect to the taking of the votes of electors on a by-law shall *mutatis mutandis* apply to the taking of a vote on any question submitted as aforesaid.

Rev. Stat., c. 223, s. 536, subs. 8, amended. **106.** Subsection 8 of section 536 of *The Municipal Act* is amended by adding at the end thereof the words "and the procedure in such an appeal shall be that prescribed by section 378 except that no recognizance or deposit shall be required."

Rev. Stat., c. 223, s. 540, par. 2, amended. **107.** Paragraph numbered 2 in section 540 of *The Municipal Act* is amended by adding thereto the following clause:—

When dog to be deemed to be "running at large."

(a) For the purpose of the two next preceding paragraphs a dog shall be deemed to be running at large when found in a street or other public place and not under the control of any person.

Rev. Stat., c. 223, par. 5, amended. **108.** Paragraph numbered 5 of the said section 540 is amended by inserting after the word "vehicles" in the second line the words "or from jumping on to sleighs or conveyances of any kind while in motion."

Children and moving vehicles.

Rev. Stat., c. 549, par. 1, repealed. **109.** The paragraph numbered 1 in section 549 of *The Municipal Act* is repealed, and the following substituted therefor:—

Indecent placards, writings, etc.

(1) For preventing the posting up or exhibiting of placards, play bills, posters, writings or pictures which are indecent, or may tend to corrupt or demoralize the public or individuals, or the writing of words which are indecent, or may tend to corrupt or demoralize the public or individuals, or the making of pictures or drawings which are indecent, or may tend to corrupt or demoralize the public or individuals, on walls or fences or elsewhere in streets or public places.

Rev. Stat., c. 223, s. 553, amended.

**110.** Section 553 of *The Municipal Act* is amended by adding thereto the following words and paragraph 4:—

By



By the councils of cities, towns and villages:—

4. For prohibiting spitting on sidewalks and pavements, and in the passage ways, stairways, and entrances to buildings used by the public, and in rooms, halls, buildings and places to which the public resort, street cars, public conveyances and in such other public places as the council may by such by-law designate.

Spitting on sidewalks, public halls, etc.

111. Section 554 of *The Municipal Act* is amended by inserting therein immediately after the paragraph numbered 1 the following:—

Rev. Stat. c. 223, s. 554 amended.

By the councils of cities and towns.

1a For placing the management of the entire sewerage system of the municipality in the hands of commissioners where such system includes the disposal or purification of sewage upon a sewage farm by filtration or other artificial means; provided however that no by-law to be passed under this subsection shall have any force until the same shall have received the assent of the ratepayers in the manner provided for by this Act in the case of by-laws for the creation of debts.

Commissioners to manage sewerage system. Proviso.

1b The provisions of sections numbered from 40 to 46, both inclusive, of *The Municipal Waterworks Act* and the amendments thereto heretofore or hereafter passed, are hereby incorporated with this Act as if the same were repeated herein, in so far as the same are applicable to such sewerage system, with the substitution of the words "sewerage system" for the word "waterworks" where it occurs in the said sections.

Rev. Stat. c. 235, secs. 40 to 46 incorporated.

112. Section 561 of *The Municipal Act* is amended by adding thereto the following paragraph:—

Rev. Stat., c. 223, s. 561, amended.

10. To compel all persons (resident or non-resident) liable to statute labour within any unincorporated village the limits of which are defined in the by-law, to compound for such labour at any sum not exceeding \$1 for each day's labour, and to provide that such sum shall be paid in commutation of such statute labour, and to enforce the payment of such commutation in money in lieu of such statute labour; and for the purpose of enforcing such payment the like remedies may be had, and proceedings taken against the person in default, as are provided by subsection 1 of section 107 of *The Assessment Act*, in case of neglect or refusal to pay any sum for statute labour commuted under section 103 of *The Assessment Act*.

Compulsory commutation of statute labour in unincorporated villages.

113. The paragraph numbered 8 in §section 562 of *The Municipal Act* is amended by inserting therein after the word "sewer" in the third line the words "water pipe, suction pipe."

Rev. Stat., c. 223, s. 562, par. 8, amended.

114.

62 V. (1), c. 5,  
s. 1, amended.

**114.** Section 1 of the Act passed at the first session held in the 62nd year of the reign of Her late Majesty Queen Victoria, chaptered 5, is amended by striking out all the words therein after the word "purposes" in the last line but one of the said section.

Rev. Stat., c.  
223, s. 565, subs.  
3, amended.

**115.**—(1) Subsection 3 of section 565 of *The Municipal Act* is amended by striking out the words "persons named in the said sections" and inserting in lieu thereof the words "electors qualified to vote on by-laws for the creation of debts."

Rev. Stat., c.  
223, s. 565, subs.  
4, amended.

(2) Subsection 4 of said section 565 is amended by striking out the words "same class of persons as voted upon the by-law," and inserting in lieu thereof the words "electors qualified to vote on by-laws for the creation of debts."

Rev. Stat.  
c. 223, s. 566,  
subs. 4,  
amended.  
Supplying  
water to per-  
sons on line  
of supply.

**116.** Article (d) of subsection 4 of section 566 of *The Municipal Act* is amended by adding thereto the following proviso:

"Provided, however, that this shall not apply to cases where any such supply pipe for water has been laid under the special powers contained in the proviso in subsection 5 of section 569 of this Act, until the debentures issued for said supply pipe or main have been paid off, or unless the person requiring such supply of water shall enter into a satisfactory bond to the municipality to secure the payment of the annual water rates, and the annual special rate required to pay for the debt incurred therefor, or such proportionate part thereof as the supply pipe or main opposite such person's property bears to the whole length of the said supply pipe or main.

Rev. Stat. c.  
223, s. 568,  
amended.

**117.** Section 568 of the said Act is amended by adding thereto the following as sub-section 2.

Municipali-  
ties authorized  
to establish  
fuel yards  
under certain  
conditions.

(2) Subject to the consent of the Lieutenant-Governor in Council, and within the limitations and restrictions, and under the conditions set forth in any Order-in-Council in that behalf municipal councils of cities and towns shall have power to borrow from any bank or other corporation or person such sums of money as may be necessary for the purpose of purchasing coal, wood, peat or other fuel, and to temporarily operate fuel yards by purchasing supplies of such fuel, and selling and disposing of the same to the residents of the municipality in anticipation of or during a period of such scarcity or failure of supply of fuel, or such threatened scarcity or failure of supply thereof as may appear to create an emergency; and any by-law passed under the authority of this sub-section shall not require the assent of the ratepayers, but shall require a vote of two-thirds of the council of such municipality.

(Note

**118.** Subsection 4 of section 569 of *The Municipal Act*, and all by laws heretofore passed under the powers by the said subsection conferred, are repealed. Rev. Stat., c. 223, s. 569, subs. 4, repealed.

**119.** Subsection 4 of section 574 of *The Municipal Act* is repealed, and the following substituted therefor :— Rev. Stat. c. 223, s. 574, subs. 4 repealed.

By the Councils of Cities, Towns and Villages ;

4. For authorizing the Board of Park Management or the Park Commissioner, or other officer appointed by the Board of Park Management or in case there is no Board of Park Management by the Council in that behalf, or three Park Directors (who may be members of the Municipal Council or ratepayers of the Municipality or both to be appointed at the first meeting of the Council in each year, by the Council in that behalf,) to plant, or cause to be planted, trees upon the streets of the Municipality, and in the public parks thereof and to trim, or cause to be trimmed, all trees in the public parks of the Municipality, and all trees the branches of which extend over the streets thereof ; and the Board of Park Management, Park Commissioner or other officer or the Park Directors, or any of them, so appointed, shall not, nor shall such Municipality be liable for injury to trees occasioned thereby, when reasonable care, skill, and judgment have been exercised in such trimming. Authorizing park commissioners to plant and trim trees on streets.

**120.** Subsection 5 of section 574 of *The Municipal Act*, as amended by section 25 of *The Municipal Amendment Act 1902*, is repealed, and the following substituted therefor :— Rev. Stat. c. 223, s. 574 subs. 5, repealed.

5. For authorizing the Board of Park Management, the Park Commissioner or other officer appointed by such Board or by the Council or the Park Directors appointed as provided by the next preceding subsection hereof, to cut down or remove, or cause to be cut down or removed, all decayed trees, and remove and transplant or cause to be removed or transplanted, any trees, shrubs or saplings growing or planted in any public park, place, square, highway, street, lane or alley, or other means of communication under its control, after giving forty-eight hours' notice of the intention to do so ; and the Corporation shall not, nor shall the Board of Park Management, Park Commissioner or other officer or the Park Directors, or any of them, be liable to any owner or owners of adjoining property for any act so performed ; provided that no live tree, unless within 20 feet of other trees, shall be removed without the consent of the owner of the property in front of which such tree is situate. Powers of park commissioner to cut down trees on streets, etc.



Rev. Stat.  
c. 223, s. 574,  
amended.

**121.** Section 574 of *The Municipal Act* is amended by adding thereto the following subsection :—

Board of Park  
Management  
to have powers  
of Council for  
cutting down  
trees, etc.

(6) In cities where there is a Board of Park Management such Board may, if so authorized by by-law of the City Council, exercise any of the powers vested in the council with respect to the cutting down and removing or removing and transplanting or the trimming of trees, shrubs, or saplings in any public place, square, highway, street, lane or alley or other means of communication under the control of the council.

Rev. Stat.  
c. 223, s. 576,  
amended.

**122.** Section 576 of *The Municipal Act* is amended by adding after the paragraph numbered 1 the following words and paragraph 1a,

“By the councils of cities of 40,000 inhabitants or more.

Acquiring  
land for parks  
etc., in ad-  
joining  
counties.

1a. For entering upon, taking and using and acquiring so much real property as may be required for the use of the corporation for public parks, squares, boulevards and drives in any municipality (other than those mentioned in the preceding paragraph) in the same county or in adjoining counties within a radius of twenty miles from the limits of such city, if in the opinion of two-thirds of the members present at any regular meeting of the city council it is deemed desirable or necessary, without the consent of the owners of such real property, but making due compensation therefor to the persons entitled thereto, to be determined under the provisions of this Act, by arbitration, where the parties do not agree.”

Rev. Stat. c.  
223, s. 576.  
subs. 2  
amended.

**123.** Subsection 2 of section 576 of *The Municipal Act* is amended by inserting after the word “adjoining” in the second line the words “or other”; and by adding after the word “municipality” in the same line, the words “as by either of the two next preceding paragraphs is provided.”

Rev. Stat.  
c. 223, s. 580,  
par. 6,  
amended.

**124.** Paragraph number 6 in section 580 of *The Municipal Act* is amended by striking out all the words therein after the word “market-place” in the second line and substituting therefor the words “or on public streets or on any vacant lot adjacent to the market-place or to a public street.”

Rev. Stat. c.  
223, s. 584, cl.  
e., repealed.

**125.**—(1) Clause (e) of section 584 of *The Municipal Act* is repealed and the following substituted therefor:—

Regulation of  
traffic and  
width of  
tires.

(e) For regulating the conveyance of traffic on such roads and the width of tire on the wheels of all vehicles used for the conveyance of articles of burden, goods, wares, or merchandise on such roads.



(2) The said section is further amended by adding thereto the following clause:—

“(f) For regulating the use of lock shoes on vehicles used on such roads.” Lock shoes.

**126.** (1) Section 38 of *The Municipal Amendment Act*, 1902, is repealed. 2 Edw. VII.,  
c. 29, s. 38,  
repealed.

(2) *The Municipal Act* is amended by inserting therein the following as section 591c. Rev. Stat., c.  
223, amended.

591c. The councils of any township, town or village, may pass by-laws for the construction, leasing and operation of such ferries or ferry boats as may be required to be used on or over any navigable water separating a part of such municipality from another part of the same municipality, or separating a part of the said municipality from any other municipality in the Province of Ontario, and may make an annual grant for the purpose of maintaining and operating such ferries or ferry boats or any one or more of them. Grants to  
ferries.

**127.** Section 25 of *The Municipal Amendment Act*, 1899 and sections 9 and 10 of *The Municipal Amendment Act* 1900 are declared to have conferred upon municipal councils as from the respective dates of the enactment of the said sections the power to grant renewals from time to time of the exemptions from taxation in the said sections mentioned for any period not exceeding ten years at any one time, and neither of the said provisions shall be taken or deemed to have limited the power to grant such renewals to one renewal only; and every municipal council which has exercised the power of granting exemptions from taxation under either of the said sections is declared to have and to have had power to renew the same from time to time for any period not exceeding ten years at any one time. Provided that no by-law granting a renewal of any such exemption shall be passed until the same has been submitted to and has received the assent of the electors thereto as provided by paragraph number 12, in section 591 of *The Municipal Act* with respect to bonuses for the promotion of manufactures. Powers conferred by 62 V.  
(2) c. 26, s. 25,  
and 63 V. c. 33  
ss. 9 and 10  
to include  
renewals of  
exemptions  
from time to  
time.  
  
Proviso.

**128.** Clause 2 of section 592 of *The Municipal Act* is amended by inserting the words “and children” after the word “widows” in the seventh line thereof.

**129.** Section 593 of *The Municipal Act* is amended by striking out the words “or conviction of the criminal or” in the third and fourth lines and inserting in lieu thereof the words “and conviction of the criminal or for the apprehension.” Rev. Stat. c.  
223, s. 593,  
amended.

Rev. Stat. c. 223, s. 606, subs. 3, amended. **130.**—(1) Subsection 3 of section 606 of *The Municipal Act* is amended by striking out the proviso at the end of the said subsection.

Rev. Stat. c. 223, s. 606, amended. (2) The said section 606 is amended by adding at the end thereof the following subsection :—

Notice of actions for damages caused by non-repair of streets etc. (5) Provided that in case of the death of the person injured the want of the notice required under subsections 3 and 4 of this section shall be no bar to the maintenance of the action and

Proviso, Provided further that the want or insufficiency of the notice required under subsections 3 and 4 of this section shall not be a bar to an action, except where the action is founded on the existence of snow or ice on the sidewalk, if the court or judge before whom the action is tried considers that there is reasonable excuse for the want or insufficiency of such notice and that the defendants have not thereby been prejudiced in their defence.

Rev. Stat. c. 223, s. 617, subs. 2, amended. **131.** Subsection 2 of section 617 of *The Municipal Act* is amended by inserting after the word "municipalities" in the fifth line the words "provided that such deviation is only for the purpose of getting a good line of road."

Rev. Stat. c. 223, amended. **132.** *The Municipal Act* is amended by adding thereto the following section as §17a :—

Proceedings to relieve township of maintenance of bridge over 300 feet in length. 617a. (1) The council of any township in which a bridge over 300 feet in length is situate may by resolution declare that owing to such bridge being over 300 feet in length, and being used by the inhabitants of municipalities other than the township, and being situate on a highway which is an important road, affording means of communication to several municipalities, it is unjust that the township should be liable for the maintenance and repair of the bridge, and that it should be maintained and repaired by the corporation of the county, and that application should be made to the Judge of the County Court of the county for an order declaring such bridge a county bridge, to be maintained and kept in repair by the county corporation.

Notice to county clerk of resolution. (2) After the passing of such resolution the clerk of the township shall forthwith serve a copy thereof certified to be a true copy under his hand and the corporate seal upon the clerk of the county.

Appointment for hearing by county judge. (3) After the service of such resolution upon the county clerk application may be made by or on behalf of the township

ship to the judge of the county court of the county for an appointment in writing for the hearing of the application by the township for an order declaring the bridge to be a county bridge to be assumed, maintained and kept in repair by the corporation of the county. A copy of the appointment shall be served upon the clerk of the county at least thirty days prior to the date fixed by the judge for hearing such application.

(4) At the time and place named for such appointment the county judge of the county court shall hear the application, and the township and county respectively may be represented by counsel thereon, and the judge shall, if he sees fit or the parties desire, hear evidence on oath for and against the application. Hearing of application.

(5) In case the judge finds that the allegations contained in such resolution are proved or partly proved he shall make an order in writing declaring the bridge to be a county bridge to be maintained and kept in repair by the corporation of the county in which it is situate, and shall in and by such order either declare that the whole of the cost of such maintenance and repair shall be paid by the county or that the township pay to the county such proportion of such cost as he may deem just, which order shall be registered in the Registry Office for the registry division in which the township is situate; and from and after the date of such registration the bridge shall be a county bridge and shall be maintained and kept in repair by the corporation of the county at the expense of the county, or of the county and township as the case may be, and the liability of the county for such maintenance and repair shall be the same as if the bridge were a bridge assumed by by-law of the county council in pursuance of this Act. Order that bridge be maintained by county.

(6) In case the township is ordered to contribute to the maintenance and repair of such bridge the corporation of the county shall be entitled to be paid the proportion named in such order of any sum expended by it in such maintenance and repair, and such proportion shall, on the demand from time to time of the county council, be levied, collected and paid over to the county by the township. Payment of proportion of cost by township.

**133.** Section 626 of *The Municipal Act* is repealed.

Rev. Stat. c. 223, s. 626, repealed.

**134.** Paragraph 1 in section 637 of *The Municipal Act* is amended by inserting after the word "communications" in the fourth line the word "wholly."

Rev. Stat. c. 223, s. 637, par., 1, amended.

**135.** Paragraph 10 of section 640 of *The Municipal Act* is amended by adding thereto the following clause :—

Rev. Stat. c. 223, sec. 640, paragraph 10 (c) amended.

Power to pass over lands lying between highway and timber, gravel, etc.

Proviso.

(c) When such timber, gravel, stone or other material or materials is or are situate at a distance from the road or highway, upon which the same are to be used, the corporation may by its servants, officers or workmen enter upon and pass through or into or over the lands of any person lying between such road or highway and such timber, gravel, stone or other material or materials. Provided that before so doing the corporation shall pay to the owner of any such lands such compensation as may be agreed upon, or in default of agreement, such compensation as may be determined by arbitration under the provisions of this Act.

Rev. Stat. c. 223, s. 642 amended.

**136.** Section 642 of *The Municipal Act* is amended by inserting after the words "laid out" in the second line the word "immediately."

Rev. Stat. c. 223, s. 644, amended.

**137.** Section 644 of *The Municipal Act* is amended by inserting the word "immediately" after the word "any" in the second line and by striking out the word "an" in the last line and inserting the word "such" in lieu thereof.

Rev. Stat. c. 223, s. 648, amended.

**138.** Section 648 of *The Municipal Act* is amended by striking out all the words in the last line after the word "action" and inserting in lieu thereof the words "on the part of the councils of all the townships interested."

Rev. Stat. c. 223, s. 649, amended.

**139.** Section 649 of *The Municipal Act* is amended by striking out the words "all the township councils" in the first line and inserting in lieu thereof the words "the councils of all the townships" and by striking out the words "township councils" in the last line and inserting in lieu thereof the words "councils of the townships."

Rev. Stat. c. 223, s. 658, par. 5, amended.

**140.** (1) The paragraph numbered 5 in section 658 is amended by striking out all the words therein after the words "county work" in the seventh line.

Rev. Stat. c. 223, s. 658, par. 7, repealed.

(2) The paragraph numbered 7 in the said section is repealed.

Rev. Stat. c. 223 s. 659, subs. 5, amended.

**141.** Subsection 5 of section 659 is amended by striking out all the words therein after the word "assessed" in the seventh line and inserting in lieu thereof the words "in such county and not upon property in any other county united with it; and any debenture that may be issued for such purpose shall be issued as the debenture of the united counties, but it shall be stated in the body thereof that it is to be a charge upon such one county only, and such debenture shall be as valid and binding upon such county as if such county were a separate municipality."



**142.** (1) Subsection 1 of section 663 of *The Municipal Act* is amended by striking out the word "joining" in the last line but one of the said subsection, and inserting in lieu thereof the word "connecting."

Rev. Stat.  
c. 223 subs. 1,  
3 and 4,  
amended.

(2) Subsection 3 of the said section 663 is amended by striking out the word "roadway" in the third line, and inserting in lieu thereof the words "connecting road."

(3) Subsection 4 of the said section 663 is amended by inserting the word "connecting" after the word "proposed" in the second line.

**143.** Section 664 of *The Municipal Act* is repealed and the following substituted therefor:—

Rev. Stat..  
c. 223, s. 664,  
repealed.

664.—The Council of every township, city, town and incorporated village for the purpose of effecting local improvements and works, the whole or a part of the cost of which it proposes to assess upon the real property specially benefited thereby, may, subject as hereinafter provided, pass by-laws for the following purposes:—

Bylaw for  
constructing  
work at cost  
of property  
benefited.

1. For (a) opening, widening, extending, prolonging, altering the grade of or diverting any public street, lane, alley or place, or opening up or establishing a new street in the municipality, or (b) constructing or reconstructing any bridge, culvert, subway or embankment as part of any public street, lane, alley or place, or any roadway or pavement thereon, or (c) constructing, reconstructing, enlarging or prolonging and extending any common sewer or drain into or through the lands of any owner other than the municipal corporation and making all proper and necessary connections therewith.

Local  
improvements  
involving  
damages to  
lands or  
taking lands.

2. For (a) constructing, reconstructing, enlarging or prolonging and extending any common sewer or drain, and constructing and making all proper and necessary private drain connections therewith in and along any public street, lane, alley or place or any part thereof, or (b) for constructing roadways, or macadamizing, planking, paving or curbing any public street, lane, alley or place, or (c) for resurfacing with asphalt or other suitable material a pavement having a concrete foundation which in the opinion of the engineer is sufficient therefor, or (d) for constructing sidewalks or footways in, upon and along any public street, lane, alley or place, and for reconstructing any such roadway, curbing or sidewalk, or footway, when the term of the special assessment therefor shall have expired or the work or improvement shall be worn out, or (e) for setting apart a portion or portions of any public street or place for the purpose of a boulevard or boulevards thereon and therein and for constructing and maintaining such boulevard or boulevards, or (f) for sodding any portion of and planting, maintaining

Making local  
improvements  
where no  
lands are  
taken or  
damaged.

and

and caring for trees, shrubs and plants upon and in any public street, square or other public place.

Extension of water or gas works, or light, heat and power works.

3. When the Municipal Corporation owns a system of water-works, gas works or electric light, heat and power works or any of them, for constructing, extending and maintaining all such mains, conduits and pipes, and for constructing all such branch mains, conduits and pipes, erecting all such poles and wires, making connections with all buildings and premises and constructing all such other works and doing all such other things as may be necessary for the supplying of water, gas, electric light, heat or power or any of them for public as well as for private uses.

Ascertaining estimated cost of local improvements.

4. For providing the means of ascertaining and determining the probable cost of every such work, improvement or service above mentioned.

Ascertaining real property benefited by local improvements.

5. Subject as hereinafter provided, for providing the means of ascertaining and determining what real property will be benefited by the construction and carrying out of any of the above mentioned works, improvements or services; what portion thereof is liable for special assessments therefor and what portion thereof, if any, is exempt from such special assessment; what proportion or amount of the cost of any such proposed improvement, work or service is to be assumed and borne by the municipal corporation as its share or part thereof, and what proportion or amount thereof is to be charged against and specially assessed upon the assessable real property benefited thereby; the proportion in which the assessment of that part of the said cost which is chargeable against the real property benefited is to be made upon the various portions of real property benefited thereby; the time to be allowed for the payment of any debt which may be created for the purposes of any such improvement, work or service and the number of annual special assessments which will be imposed to pay the interest upon the said debt and create a sinking fund sufficient to extinguish the debt at maturity, or to pay the annual instalments covering interest and part of the principal of the debt as the case may be.

Assessing real property benefited for cost of certain works.

6. Subject also as herein provided for assessing the cost of any such improvement, work or service or such portion of the cost thereof as may be permitted by this Act upon the real property to be benefited thereby and for levying and collecting such cost or such portion thereof by an annual special rate upon the said real property according to the frontage thereof.

Regulating time and manner of payment of special assessments.

7. For regulating the time or times and the manner in which the special assessments to be levied and collected under this section are to be paid, and for arranging the terms upon which the owners and other persons liable to pay the same may

may commute by the cash payment of their proportionate, shares of the cost of any such work, improvement or service in principal sums.

8. For effecting any of the improvements, works or services mentioned above with funds provided by persons desirous of having the same effected.

Doing work where funds furnished by others.

664a. If the contemplated work or improvement is the construction of a common sewer having a sectional area of more than four feet, one-third of the whole cost thereof shall be provided for by the council. The council of every municipality shall also provide, in connection with all sewers and roadways, the cost of all culverts and other works necessary for street surface drainage, and may also in the case of roadways and sidewalks provide the cost of that part of every work, improvement or service which is incurred at and is chargeable in respect of street intersections, and also that part thereof done or made opposite real property which by any general or special Act is exempt from special or local assessment.

Construction of sewers, &c., in part to be provided by the municipality.

144 Section 668 of *The Municipal Act* is amended by striking out the words "the four preceding sections" occurring in the second and third lines thereof and substituting therefor the words "in section 664 of this Act."

Rev. Stat., c. 223, s. 668 amended.

145. Section 669 of *The Municipal Act* is amended by inserting therein the following as subsection (1b):—

Rev. Stat. c. 223, s. 669 amended.

(1b) It shall be sufficient if the notice of the proposed work or improvement, by a general description, describes the street, lane, alley or place or the portion thereof whereon or wherein and the points between which the same is to be made or done, and the street, lane, alley or place or portions thereof upon which the real property benefited and proposed to be specially assessed fronts or abuts; and the number of such annual special assessments. It shall not be necessary in such cases to state the value of the real property rateable for the work or improvement or to impose a rate upon such real property by any description other than that hereinbefore mentioned.

Particulars to be given in notice.

146. Subsection 2 of section 669 of *The Municipal Act* is amended by adding at the end thereof the following words:—"Provided, however, that in the case of municipalities which have passed a by-law under the provisions of section 682 of this Act, a notice may be given within such two years if such notice

Rev. Stat. c. 223, s. 669. subs. 2 amended. When new notice for such improvements may be given.



notice is for a different kind of pavement, or for a less expensive pavement though of the same kind, than the one included in the notice previously given.

Rev. Stat.  
c. 223, s. 671,  
subs. 2  
amended.

**147.**—(1) Subsection 2 of section 671 of *The Municipal Act* is amended by striking out the word “proposed” in the third line of the said subsection, and by striking out the word “total” in the third line and inserting in lieu thereof the words “estimated or actual,” and by striking out the words “proposed assessment on” in the fourth line and inserting in lieu thereof the words “frontage of,” and by striking out the word “same” in the sixth line and inserting in lieu thereof the words “special assessment.”

Rev. Stat.  
c. 223, s. 671,  
subs. 3  
repealed.

(2) Subsection (3) of section 671 of *The Municipal Act* is repealed and the following substituted therefor:—

(3) The said notice may be in the form or to the effect following:—

Take notice that the municipal council of the corporation of the  
of intends to  
construct (or has constructed as the case may be) (describing the  
work or improvement) on (or in) street  
between (describing the points between which the work or improvement is to  
be made or done) and intends to assess a portion of the final cost there-  
of upon the real property to be immediately benefited thereby fronting  
or abutting upon (give the name or names of the street, lane, alley or place  
or streets, lanes, alleys or places, and the points between which the real prop-  
erty fronts or abuts, upon which the proposed special assessment is to be  
made and the annual rate per foot on the frontage upon each such street  
and the number of such annual assessments) and that a statement  
showing the lands liable to and proposed to be specially assessed  
for the said improvement (or work), and the names of the owners  
thereof, so far as the same can be ascertained from the last revised  
assessment roll and otherwise is now filed in the office of the clerk of the  
municipality and is open for inspection during office hours. The cost  
(or estimated cost as the case may be) of the improvement (or work)  
is \$ of which \$ is to be provided out of the general  
funds of the municipality.

A Court of Revision will be held on the day of  
19 at the hour of at the (insert the place of meeting)  
for the purpose of hearing complaints against the proposed assessment or  
the accuracy of frontage measurements or any other complaint which the  
persons interested may desire to make and which is by law cognizable by  
the Court.  
Dated. Clerk.

Rev. Stat.  
c. 223, s. 671,  
subs. 4, 5,  
repealed.

**148.** Subsections 4 and 5 of section 671 of *The Municipal Act* are repealed and the following substituted therefor:—

(4) The council shall for the purpose of making the special assessment for the cost of any work, improvement or service procure a measurement to be made of the frontages liable to assessment for such cost and of the frontages exempt from taxation, and shall for at least ten days before the time fixed for hearing appeals from such assessment keep a statement of the



the same open for inspection in the office of the clerk of the municipality.

(5) From any such assessment or proposed assessment there shall be the right of appeal to the Court of Revision and from the Court of Revision to the County Judge. The Court of Revision and the County Judge shall have power to correct any errors in the names of the owners or in the frontage measurements of the properties assessed, or caused by the omission of property which should be assessed, and to determine the proportion of assessment of corner lots or triangular or other irregular pieces of land, and the proportion of the cost to be borne by the municipality where the cost exceeds the estimates by 10 per cent., and also whether or not the property is or will be benefited by the work or improvement, and the proceedings thereon shall be the same (as nearly as practicable) as in the case of appeals from ordinary assessment under *The Assessment Act*.

Appeals from  
assessment.

**149.** Subsection 6 of section 671 of *The Municipal Act* is amended by striking out all the words after the word "appeal" at the end of the first paragraph.

Rev. Stat.  
c. 223, s. 671,  
subs. 6,  
amended.

**150.** Subsection (1) of section 672 of *The Municipal Act* is amended by striking out all the words therein from the commencement thereof down to and including the word "Act" in the sixth line.

Rev. Stat.  
c. 223, s. 672,  
subs. 1,  
amended.

**151.** Section 674 of *The Municipal Act* is amended by striking out the word "and" where the same occurs in the fourth line of subsection (1) and in the second line of subsection (2) thereof and substituting therefor the word "or" in each case.

Rev. Stat.  
c. 223, sec. 674  
amended.

**152.** *The Municipal Act* is amended by inserting the following as section 675a:

Rev. Stat. c.  
223, amended.

**675a.** In case the engineer of a city, having a population of 100,000 or over and which has adopted the local improvement system with respect to macadamizing or paving of streets as provided by section 682 of this Act, reports, and the council of such city by resolution or the adoption of the report passed on a two-thirds vote of all the members thereof affirms, that the existing roadway upon any street or a portion of any street is out of repair, foundeours and dangerous and that by reason of such street being an important thoroughfare leading to and from the business centre of the city into and from adjoining municipalities, it is necessary and in the interests of the city at large and for the general public convenience and safety that such roadway or the longitudinal sections of such roadway lying between the street railway

Laying pavements on  
report of  
engineer, and  
on two-thirds  
vote of council,  
on important  
roadways,  
notwithstanding  
petition of  
ratepayers.

way

way thereon and the curbing of such roadway should be macadamized or paved and that by reason of the amount of traffic upon such street a more expensive work is required on such roadway or longitudinal sections thereon than would be necessary to meet the requirements of the immediate neighbourhood, and that it would be inequitable to assess the whole cost of the work upon the property fronting or abutting thereon, the corporation may macadamize such roadway or longitudinal sections thereon, or construct a pavement thereon suitable for the traffic thereon, notwithstanding that notice has been given, and that a sufficiently signed petition against such work has been presented under section 669 of this Act, but the corporation of the city shall in such case pay out of the general funds of the municipality at least twenty-five per cent. in case there are street railway track allowances to be paved and in other cases forty per cent. of the total cost of the work, after deducting the amount payable by the city for the usual and legal allowances for street intersections, exempt properties, flankages and the pavements upon the allowance, if any, for street railways, and the remainder of the cost shall be assessed and levied upon the real properties liable to assessment, fronting or abutting upon such roadway.

Rev. Stat.  
c. 223, s. 677,  
sub-s. 1  
amended.

**153.** Subsection 1 of section 677 of *The Municipal Act* as amended by section 33 of *The Municipal Amendment Act 1901* is further amended by adding after the word "sand" in the subsection as so amended the words "or of cement, concrete or brick."

Rev. Stat.  
c. 223, s. 677,  
subs. 2,  
repealed.

**154.** Subsection 2 of section 677 of *The Municipal Act* as enacted by section 35 of *The Municipal Amendment Act, 1902* is repealed.

63 V. c. 33,  
sec. 48  
repealed.

**155.** Subsection 1 of section 680 of *The Municipal Act* is amended by striking out the amendments made thereto by section 48 of *The Municipal Amendment Act, 1900*, and by adding at the end of the said subsection the words "And where no by-law has been passed under section 682 of this Act such exemptions shall be upon the value of the lands only and not on the improvements thereon."

Rev. Stat.  
c. 223, sec. 682  
amended.

**156.** Subsection (3) of section 682 of *The Municipal Act* is amended by striking out the words "in clause 3 of" occurring in the first line thereof.

Rev. Stat.  
c. 223, s. 684,  
amended.  
Land held by  
certain  
schools, how  
to be assessed  
for local rates.

**157.** Section 684 of *The Municipal Act* is amended by adding thereto the words:—

"Provided that if the grounds of and attached to a school maintained in whole or in part by a Legislative grant or a school

school tax are not owned by the school board or the municipality but are held under a lease, agreement or other right of occupancy the unexpired term of which does not extend beyond the period of the proposed assessment the said grounds shall be liable to be and shall be assessed for local improvements and the municipal council shall assume and pay the special rates assessed against the same during the unexpired term of such lease, agreement or right of occupancy or any renewal thereof or until said lands are no longer used for school purposes and as soon as said lands cease to be so used for school purposes and thereafter during the currency of the debenture issued to pay for said work the said special rates fixed by the by-law providing for the payment of the said work shall be payable by the owner of the said lands and be a charge upon the said lands and may be collected in the same manner as the rates imposed by the said by-law.

**158.** The said section 684 is further amended by adding thereto the following subsection:—

Rev. Stat.,  
c. 223, s. 684,  
amended.

2. All land exempt from a local improvement rate imposed by any by-law as soon as it ceases to be used for any purpose that would render the same so exempt, or as soon as it ceases to be the property of any person entitled to exemption, or when the term of such exemption expires, as the case may be, shall thereupon become liable to be rated for the work, improvement or service at the rate fixed by the by-law providing for the payment for such work, improvement or service, and the same shall be a charge upon the said land, and may be collected in the same manner as the rates imposed by such by-law.

Exemption to  
cease as soon  
as lands not  
used for  
exempt  
purposes.

**159.** Section 39 of *The Municipal Amendment Act, 1902*, is amended by substituting the figures "1904" for the figures "1903" in the fifth line thereof.

2 Edward VII  
c. 29, sec. 39,  
amended.  
Exempting  
manufactur-  
ers, etc.

**160.** Section 700 of *The Municipal Act* is amended by striking out all the words after the word "municipality" in the first line, and inserting in lieu thereof the words "may pass by-laws."

Rev. Stat. c.  
223, s. 700,  
amended.

**161.** Section 700a of *The Municipal Act* enacted by section 23 of *The Municipal Amendment Act, 1898*, is amended by striking out all the words therein after the words "iron works" in the eighth line.

Rev. Stat. c.  
223, s. 700a,  
amended.

**162.** *The Municipal Act* is amended by inserting therein the following section as section 700b. :—

Rev. Stat. c.  
223, amended.

700b. The word "bonus" where it occurs in sections 700 and 700a shall have the meaning assigned to it by and shall include

Meaning of  
"bonus" in cer-  
tain sections.

include the matters set forth in section 10 of *The Municipal Amendment Act, 1900*, with respect to bonuses in aid of manufactures.

Rev. Stat. c. 223, s. 701, amended. **163.** Section 701 of *The Municipal Act* is amended by adding thereto the following subsection (2):—

Meaning of "bonus" in relation to grain elevators.

(2) The word "bonus" in this section shall have the meaning assigned to it by and shall include the matters set forth in section 10 of *The Municipal Amendment Act, 1900*, with respect to bonuses in aid of manufactures.

Rev. Stat. c. 223, s. 703, amended. **164.** Section 703 of *The Municipal Act* is amended by inserting after the word "person" where it occurs in the fifth and sixth lines respectively the words "or corporation."

Rev. Stat. c. 223, amended. **165.** *The Municipal Act* is amended by adding thereto the following sections:—

When police trustees may be incorporated.

**751.**—(1) When the census returns of a police village, taken under the direction of the council or councils of the county or counties in which the village is situate, show that the same contains over 500 inhabitants, then, on petition of not less than fifty resident freeholders of the police village, the council or councils of the county or counties in which the police village is situate shall by by-law declare the police trustees of the said police village a corporation under the name of "The Board of Police Trustees of the Police Village of (*naming it*)"

(2) If the police village or any part thereof has been laid out in lots on a registered plan each petitioner shall state the number of the lot owned by him.

(3) No by-law shall be passed under this section until the petition therefor has been lodged with the clerk of the county at least one month before the meeting of the council at which the same is to be considered, nor unless public notice has, within two months previous to the meeting of the council at which the same is to be considered, been published at least once a week for two successive weeks in some newspaper at or nearest to the police village.

Local improvements in police villages.

**752.** After the passing of the by-law incorporating the police trustees of any police village the board of police trustees shall have power from time to time to pass by-laws for the construction and maintenance of any of the works, improvements or services to be paid for by local rate mentioned in section 664 and following sections of this Act which may be undertaken by the corporation of any incorporated village; and every such by-law shall be filed with the clerk of the township or the clerks of the townships in which such police village is situate, and the rates required to be levied under

such



such by-law shall be entered on the township rolls and shall be levied and collected in the police village, and all monies raised under any such by-law shall be paid out by the treasurer of the township or treasurers of the townships upon the order of the board of police trustees.

753. After the incorporation of the board of police trustees in any police village the said Board shall be responsible for the maintenance and repair of all works, improvements and services undertaken by them under the powers by this Act conferred; and any monies required for the purpose of such maintenance and repair shall be levied by the council of the township, or the councils of the townships, upon all the property liable to assessment in the police village upon the requisition of the board of police trustees.

Board to be responsible for maintenance and repair.

754. On default of any board of police trustees to maintain and keep in repair works constructed by such Board as aforesaid the said board of police trustees as a corporation shall be responsible for all damage by reason of such default; and the provisions of section 606 of this Act shall, as to any such works, apply to every such board of police trustees; and the said board of police trustees shall have the same remedy against any person other than a servant or agent of the corporation as any municipal corporation would have in the like case under section 609 of this Act.

Corporation to be liable for default.

755. (1) All damages and costs awarded against a board of police trustees under the preceding section, and all sums and amounts agreed upon, and certified by the inspecting trustee as properly payable to any person in settlement of any claim for damage sustained through any neglect or default in the maintenance and repair of any work improvement or service done or made under the provisions of this Act, shall be paid by the treasurer of the township, or the treasurers of the townships, out of the moneys, in his or their hands, to the credit of the police village; and in case there are not sufficient unappropriated moneys in hand to the credit of the police village for the purpose, any amount so paid shall be raised and levied by special rate upon all the assessable property in the police village in the same manner as other municipal taxes.

Providing for payment of damages and costs.

(2) No action or other proceeding shall lie or be brought against the corporation of any township for damages sustained by reason of the non-repair of any work improvement or service done or made by a board of police trustees, incorporated under this Act, or to enforce the maintenance and repair of any such work improvement or service, but every such action or other proceeding may be brought or taken against such board of police trustees in the same manner, and with the like remedies, as in the case of similar works constructed by municipal corporations,

Remedy for non-repair to be against Board of Police Trustees.

Light and  
heat.

756. The board of police trustees of any police village shall have power to pass by-laws for the purposes mentioned in paragraphs 1, 2 and 4 of sections 566 and 568 of this Act, but under and subject to the provisions contained in the said section governing the exercise of the said power; and every such by-law shall be fyled with the clerk of the township, or the clerks of the townships, in which the police village is situate, and the council or councils of the said township or townships shall levy and collect the money required to be raised under the said by-law by special annual rate upon all the assesable property in the said police village.

Powers here-  
tofore con-  
ferred not  
affected.

757. The provisions contained in sections 751 to 756 of this Act shall not be taken or deemed to affect the powers heretofore conferred upon the police trustees of any police village, or the powers of the council of any township with relation thereto, but the incorporated board of police trustees of any police village shall be elected in the same manner, and in addition to the powers by this Act conferred, shall have and may exercise all the powers and shall perform all the duties of police trustees in any police village heretofore set apart.

## CHAPTER 19.

## The Consolidated Municipal Act, 1903.

*Assented to 27th June, 1903.*

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PRELIMINARY SS. 1-4.

PART I.—MUNICIPAL ORGANIZATION.

*Title I. Incorporation, ss. 5-10.*

II. *Formation and alteration of Corporations.*

- Division* I. Villages, Towns and Cities ss. 11-28.  
“ II. Townships, ss. 29-36.  
“ III. Counties, s. 39.  
“ V. Matters consequent upon the formation or alteration of corporations, ss. 55-65.
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PART II.—MUNICIPAL COUNCILS, HOW COMPOSED.

*Title I. The Members.*

- Division* I. In Counties, ss. 66-69.  
“ II. In Cities and Towns, ss. 70, 71, 71a.  
“ IV. In Villages, s. 72.  
“ V. In Townships, s. 73.  
“ VI. In Provisional Counties, s. 75.

*Title II. Qualification, Disqualification and Exemptions.*

- Division* I. Qualification, ss. 76-79.  
“ II. Disqualification, ss. 80-83.  
“ III. Exemptions, s. 84.

PART III.—MUNICIPAL ELECTIONS.

*Title I. Electors.*

- Division* I. Qualification, ss. 85-93.

*Title*

*Title II. Elections.*

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 " II. Returning Officers and Deputy Returning Officers,  
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 " III. Oaths, ss. 112-117.  
 " IV. Proceedings Preliminary to the Poll, ss. 118-163.  
 " V. The Poll, ss. 164-187.  
 " VI. Miscellaneous Provisions, ss. 188-206.  
 " VII. Vacancies in Council, ss. 207-218.  
 " VIII. Proceedings to declare Seats vacant, ss. 219-244a.  
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## PART V.—OFFICERS OF MUNICIPAL CORPORATIONS.

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 " II. The Clerk, ss. 282-287.  
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 " IV. Assessors and Collectors, ss. 295-298.  
 " V. Auditors and Audit, ss. 299-309.  
 " VI. Valuers, s. 310, 310a.  
 " VII. Duties of Officers as to Oaths, etc., ss. 311-319.  
 " VIII. Salaries, Tenure of Office, and Security, 320-323.  
 " IX. Judicial Investigation of Municipal Management,  
 s. 324.
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## PART VI.—GENERAL PROVISIONS APPLICABLE TO ALL MUNICIPALITIES

*Title I. General Jurisdiction of Councils.*

- Division* I. Nature and extent, ss. 325-332.

*Title II. Respecting By-Laws.*

- Division* I. Authentication of, ss. 333-335.  
 " II. Objections by Ratepayers, ss. 336, 337.  
 " IIa. Certificate of Clerk as to Application for By-law,  
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 " III. Voting on, by Electors, ss. 338-374.  
 " IV. Confirmation of, ss. 375-377.  
 " V. Quashing, ss. 378-383.  
 " VI. By-laws creating Debts, ss. 384-395.  
 " VII. Registration thereof and notice, ss. 396-401.  
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- Division* I. Accounts and Investments, ss. 417-427.  
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*Title V. Arbitrations.*

- Division* I. Lands taken or injuriously affected, ss. 437-447.
- “ II. Appointment of Arbitrators, ss. 448-457.
- “ III. Procedure, ss. 458-467.

*Title VI. Actions by and against Municipal Corporations, ss. 467a-471.*

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- Division* I. Justices of the Peace, ss. 473-478.
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## PART VII.—POWERS OF MUNICIPAL COUNCILS.

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- “ II. As to Municipal Elections, ss. 535, 536.
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- Sub-Division* I. *Prevention of Accidents, etc.*, s. 540.
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- “ X. Statute Labour, s. 561.
- “ XI. Wharfs, Harbours, Rivers and Streams, etc., ss. 562, 563.
- “ XII. Water, Light and Heat ss. 564-568.
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- “ XIV. Trees, Planting, Protection and Removal of, ss. 574, 575.
- “ XV. Public Parks and Industrial Farms, s. 576.
- “ XVI. Cemeteries, s. 577.
- “ XVII. Fairs and Markets, ss. 578-582.

*Division*

*Division* XVIII. Regulation of Trade, ss. 583-585.

“ XIX. Nuisances, s. 586.

“ XX. Education, s. 587.

“ XXI. Charities, ss. 588-590a.

“ XXII. Aids, Bonuses and Loans, s. 591c.

“ XXIII. Bounties and Rewards. 592-595.

“ XXIV. Entertaining Guests, Travelling Expenses, Diffusing Information. ss. 596, 597.

*Title II. Powers and Duties of Councils as to Highways and Bridges.*

*Division* I. General Provisions, ss. 598-636.

“ II. Counties, Townships, Cities, Towns and Villages, ss. 637-646.

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*Title IV. Powers of Municipal Councils as to Railway and Street Railway Companies, ss. 694-699.*

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*Division* I. Penalties, ss. 704-710.

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PART IX.—POLICE VILLAGES.

*Division* I. Formation, ss. 713-714.

“ II. Trustees and election thereof, ss. 715-735.

“ III. Duties and Powers of Police Trustees, ss. 736-750.

“ IV. Incorporated Boards of Police Trustees, ss. 751-757.

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REPEALING AND SAVING CLAUSES, 758, 759.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

PRELIMINARY.

1. This Act may be cited as "*The Consolidated Municipal Act, 1903*," and except where otherwise expressly provided shall not affect the provisions of any special Act relating to any particular municipality. R. S. O., 1897, c. 223, s. 1. 3 Edw. VII c. 18, s. 1. Short title.  
Application  
of Act.
2. Where the words following occur in this Act or in the schedules thereto, they shall be construed in the manner hereinafter mentioned, unless a contrary intention appears:— Interpreta-  
tion of words
  1. "Council," shall mean a municipal council or provisional municipal council, as the case may be. "Council."
  2. "Councillor" or "Municipal Councillor" shall not include a county councillor unless so expressed. "Councillor."
  3. "County," shall mean county, union of counties, or united counties, or provisional county, as the case may be. "County."
  4. "County Town," shall mean the city, town, or village in which the court house for the county is situate. "County town."
  5. "Electors," shall mean the persons entitled for the time being to vote at any municipal election, or in respect of any by-law, resolution or question, (as the case may be) in the municipality, ward, polling sub-division, or police village, as the case may be. "Electors."
  6. "Highway," "Road," or "Bridge," shall mean a public highway, road, or bridge, respectively. "Highway."  
"Road."  
"Bridge."
  7. "Householder" shall mean a resident of the municipality whose name appears as a tenant on the last revised assessment roll thereof. "Householder."
  8. "Land," "Lands," "Real Estate," "Real Property," shall include lands, tenements and hereditaments, and any interest or estate therein, or right or easement affecting the same. "Land."  
"Real estate."  
"Real pro-  
perty."
  9. "Local Municipality," shall mean a city, town, township or incorporated village. "Local munici-  
pality."
  10. "Municipality," shall mean any locality the inhabitants of which are incorporated or are continued, or become so under this Act. "Municipality."
  11. The words "next day" shall not apply to, or include Sunday or statutory holidays. "Next day."

"Separated town."

13. "Separated town" shall mean a town separated for municipal purposes from the county in which it is situated.

"Township."

14. "Township," shall mean township, union of townships or united townships, as the case may be.

"Village."

15. "Village" shall mean an incorporated village, unless otherwise expressed. R. S. O., 1897, c. 223, s. 2; 3 Edw. VII c. 18, s. 2.

Finally revised Assessment Roll.

3. For the purposes of this Act an assessment roll shall be understood to be finally revised when it has been so revised or confirmed by the Court of Revision for the municipality, or by the Judge of the County Court in case of an appeal as provided in *The Assessment Act*, or when the time within which the appeal may be made has elapsed. R. S. O., 1897, c. 223, s. 3. 3 Edw. VII c. 18, s. 3.

Rev. Stat. c. 224.

Ascertainment of population of cities referred to as having a certain population.

4. Wherever any power is conferred upon, or any provision of law relates to cities having a specified population, such population shall, for the purposes aforesaid, be ascertained (unless otherwise provided) by the census of the city last taken, whether under an Act of the Parliament of Canada or under a municipal by-law. R. S. O., 1897, c. 223, s. 4.

## PART I.

### MUNICIPAL ORGANIZATION.

#### TITLE I.—INCORPORATION.

#### TITLE II.—FORMATION AND ALTERATION OF CORPORATIONS.

#### TITLE I.—INCORPORATION.—*Secs. 5-10.*

Existing municipal corporations continued.

5. The inhabitants of every county, city, town, village, township, union of counties, and union of townships incorporated at the time this Act takes effect, shall continue to be a body corporate, with the municipal boundaries of every such corporation respectively then established. R. S. O., 1897, c. 223, s. 5.

Heads, officers, by-laws, contracts, etc. continued.

6. The head and members of the council, and the officers, by-laws, contracts, property, assets and liabilities of every municipal corporation, when this Act takes effect, shall be deemed the head and members of the council, and the officers, by-laws, contracts, property, assets and liabilities of the corporation, as continued under and subject to the provisions of this Act. R. S. O., 1897, c. 223, s. 6.



7. The name of every body corporate (not being a provisional corporation), continued, or erected under this Act, shall be "*The Corporation of the County, City, Town, Village, Township, or United Counties, or United Townships*, (as the case may be), of \_\_\_\_\_" (naming the same). R. S. O., 1897, c. 223, s. 7.

Names of  
municipal  
corporations.

8. The inhabitants of every junior county, upon a provisional council being or having been appointed for the county, shall be a body corporate under the name of "*The Provisional Corporation of the County of* \_\_\_\_\_" (naming it). R. S. O., 1897, c. 223, s. 8.

Names of  
provisional  
corporations.

9. The inhabitants of every county, or union of counties erected by proclamation into an independent county or union of counties, and of every township or union of townships, erected into an independent township or union of townships and of every locality erected into a city, town, or village, and of every county or township separated from any incorporated union of counties or townships, and of every county or township, or of the counties or townships, (if more than one), remaining of the union after the separation, being so erected or separated after this Act takes effect, shall be a body corporate under this Act. R. S. O., 1897, c. 223, s. 9.

Inhabitants of  
counties,  
townships,  
etc., and of  
cities, towns,  
etc., to be  
corporations.

10. The powers of every body corporate under this Act shall be exerciseable by the council thereof. R. S. O., 1897, c. 223, s. 10; 3 Edw. VII. c. 18, s. 4.

Corporate  
powers  
exerciseable  
by council.

## TITLE II.—FORMATION AND ALTERATION OF CORPORATIONS.

### DIV. I.—VILLAGES, TOWNS AND CITIES.

### DIV. II.—TOWNSHIPS.

### DIV. III.—COUNTIES.

### DIV. V.—MATTERS CONSEQUENT UPON THE FORMATION OR ALTERATION OF CORPORATIONS.

#### DIVISION I.—VILLAGES, TOWNS AND CITIES.

*When a village may be incorporated. Sec. 11.*

*Restrictions as to area of towns and villages. Sec. 12.*

*Arrangements with respect to assets and debts upon the formation of a village from a township. Sec. 13.*

*Case of a village partly in two counties provided for. Sec. 14.*

*Arrangements*

*Arrangements as to debts when village transferred from one county to another. Sec. 15.*

*Additions to area of village. Sec. 16.*

*Detaching farm lands from city or separated town. Sec. 17.*

*Detaching farm lands from town or village. Sec. 18.*

*Agreements as to assessment of farm lands in villages. Sec. 18 a.*

*Detaching lands from town or village in territorial district. Sec. 18 b.*

*Annexation of village to adjoining municipality. Sec. 19.*

*Villages and towns how erected into towns and cities. Secs. 21, 23.*

*Additions to area thereof. Secs. 24-25.*

*Annexation of villages or towns to adjacent villages, towns or cities. Sec. 26.*

*Towns, how separated from and how re-united to counties. Secs. 27, 28.*

When population 750, county council may incorporate as a village, and name the place and returning officer for first election.

**11.**—(1) When the census returns of an unincorporated village, with its immediate neighbourhood, taken under the direction of the council or councils of the county or counties in which the village and its neighbourhood are situate, shew that the same contain over 750 inhabitants, and when the residences of the said inhabitants are sufficiently near to form an incorporated village, then, on petition by not less than 100 resident freeholders and tenants of the village and neighbourhood of the age of twenty-one years and over, of whom not fewer than one-half shall be freeholders, the council or councils of the county or counties in which the village and neighbourhood are situate shall, by by-law, erect the village and neighbourhood into an incorporated village, apart from the township or townships in which the same are situate, by a name, and with boundaries to be respectively declared in the by-law; and shall name in the by-law the place for holding the first election, and the returning officer who is to hold the same.

Incorporation of village within one mile of city of 100,000 population or over.

(2) In case the territory sought to be incorporated, or any part thereof lies within one mile of the limits of a city having a population of 100,000 or more, the petition shall be signed by not less than two-thirds of the freeholders and resident tenants within the district sought to be incorporated, of the age of twenty-one years and over, whose names appear on the last revised assessment roll, and who have been resident within the territory sought to be incorporated for at least four months immediately prior to the signing of said petition, and of whom not fewer than one-half shall be freeholders.

Form of petition.

(3) If the district sought to be incorporated or any part thereof has been laid out in lots on a registered plan, each petitioner shall state the number of the lot on said plan owned or occupied by him, and shall further set out whether he is a freeholder or a resident tenant.

(4) No by-law shall be passed under this section unless the petition therefor has been lodged with the clerk of the county at least one month before the meeting of the council at which the same is to be considered, nor unless public notice has, within two months previous to the meeting of the council at which the same is to be considered, been published at least once a week for two successive weeks in some newspaper at or nearest to the locality sought to be incorporated; and such notice shall set forth a description of the area intended to be embraced in the village. R. S. O., 1897, c. 223, s. 11.

By-law and notice of petition.

**12.**—(1) No town or village incorporated after the passing of this Act, the population of which does not exceed 1,000 souls, shall extend over or occupy within the limits of the incorporation an area of more than 500 acres of land.

Area of town or village limited.

(2) No town or village already or hereafter incorporated, and containing a population exceeding 1,000 souls, shall make any further addition to its limits or area, except in the proportion of not more than 200 acres for each additional 1,000 souls, subsequent to the first 1,000.

Regulations as to addition to area.

(3) In the case of towns or villages now incorporated, wherever the area thereof exceeds the proportionate limit above prescribed, to wit, in all cases where the area exceeds the proportion of 500 acres for the first 1,000 souls, and 200 acres for every subsequent additional 1,000, the said towns or villages shall not be permitted to make any further addition to their limits until their population has reached such a proportion to their present area.

Existing towns or villages, area of which exceeds proportionate limit, not to be enlarged.

(4) But in all cases, the persons then actually inhabiting the land about to be included within the limits of the town or village, may, for the purpose of such extension, be held and reckoned as among the inhabitants of such town or village; and the land occupied by streets or public squares may be excluded in estimating the area of the town or village. R. S. O., 1897, c. 223, s. 12.

How population and area may be reckoned.

**13.** In cases where a village is separated from the township or townships in which it is situate, or where the area of a village is reduced under section 18, the provisions of this Act for the disposition of the property, and the payment of debts, upon the dissolution of a union of townships, shall be applicable as if the localities separated had been two townships; and the councils of the village and of the township or townships shall respectively perform the like duties as by such provisions devolve upon the councils of separated townships, the said village being considered as the junior township. R. S. O., 1897, c. 223, s. 13.

Disposition of property and payment of debts when a village is separated from township.

**14.**—(1) Where the newly incorporated village lies within two or more counties, the councils of the counties shall, by by-law, annex the village to one of the counties; and if within

Where the village lies within two or more counties, it



shall be annexed to one of them by the county councils or, in case of difference, by the Lieutenant-Governor.

six months after the petitions for the incorporation of the village are presented, the councils do not agree to which county the village shall be annexed, the wardens of the counties shall memorialize the Lieutenant-Governor in Council, setting forth the grounds of difference between the councils; and thereupon the Lieutenant-Governor may, by proclamation, annex the village to one of the counties.

In case of failure of councils to act, freeholders, etc., may petition Lieutenant-Governor.

(2) In case the wardens do not, within one month next after the expiration of the six months, memorialize the Lieutenant-Governor in Council as aforesaid, then 100 of the freeholders and resident tenants on the census list may petition the Lieutenant-Governor in Council to settle the matter, and thereupon the Lieutenant-Governor may, by proclamation, annex the incorporated village to one of the counties. R. S. O. 1897, c. 223, s. 14.

Liability of territory detached from one county and annexed to another.

**15.**—(1) In case a locality is, under section 14 of this Act, detached from one county and annexed to another, the council of the county to which the locality is annexed and the council of the village shall agree with the council of the county from which the locality is detached, as to the amount (if any) of the county liabilities which should be borne by the locality so detached and the times of payment thereof.

Arbitration in case councils do not agree.

(2) If the councils do not, within three months of the separation, agree in respect of the said matter, the same shall be determined by arbitration under this Act; and the amount (if any) so agreed or determined shall become a debt of the county to which the locality is attached, and the said locality shall continue subject to all rates which had been, prior to the separation, imposed for the payment of county debts or for the payment of bonuses or aids granted by sections of the county to railways, or for the payment of local improvement debts, until the amount thereof has been paid by the proceeds of such rates.

Rates for old debts.

(3) The council of the county or of the village, as the case may require, shall pass such by-laws and take such proceedings as are necessary for levying the said rates; and shall, unless the said council has previously paid the amount to the municipality so liable, pay over the same when collected, to the municipality which is liable for the debt on account of which the rates were imposed.

Annulment of incorporation.

(4) Where the councils do not agree as aforesaid, the Lieutenant-Governor in Council may, before proclamation has been made, upon a petition of a majority of the resident freeholders and resident tenants of the village, and with the assent of at least two of the councils of the townships in which the village is situate, annul the incorporation of the village, and restore the same to its former position as an unincorporated village; and the same shall thereupon be reinstated in its former



former position to the same extent as if no proceedings for incorporation had ever been taken. R. S. O., 1897, c. 223, s. 15.

**16.** In case the council of any village petitions the Lieutenant-Governor to add to the boundaries thereof, the Lieutenant-Governor may, (subject to the provisions of section 12 of this Act), by proclamation, add to the village any part of the localities adjacent, which, from the proximity of the streets or buildings therein, or the probable future exigencies of the village, it seems desirable to add thereto; and, in case the territory so added belonged to another county, it shall thenceforward, for all purposes, cease to belong to such other county, and shall belong to the same county as the rest of the village. R. S. O., 1897, c. 223, s. 16.

Addition to villages by Lieutenant-Governor.

**17.** Upon the application of the council of any city or town separated from the county for municipal purposes, and of the owners of any lands therein wholly used for farming purposes, the Lieutenant-Governor in Council may by proclamation, exclude and detach such lands from the said city, or town and annex the same to some adjoining municipality, upon such terms as have been agreed upon between the council of such adjoining municipality and that of the said city or town and the owners of the said lands, or upon such terms as may have been determined by arbitration in case they cannot agree upon the terms. R. S. O., 1897, c. 223, s. 17; 1 Edw. VII. c. 26, s. 1.

Separation farm lands from cities, and separated towns

**18—(1)** Upon the application of the council of any town or incorporated village or of such number of the owners of any lands therein wholly used for farming purposes as shall represent at least one-half of the amount of the assessed value of all lands included within the limits or area proposed to be withdrawn from such town or village the council of the county in which such town or village is situate may, in their discretion but subject as hereinafter mentioned, by by-law reduce the area of such town or village, and may exclude and detach such farming lands or any portion thereof or any lands situate outside the new limits to be defined by such by-law from the said town or village and annex the same to some adjoining municipality.

Separation of farm lands from town or village.

**(2)** The by-law of the county council shall provide that such reduction of area and detachment or separation of farm lands where the council of the town or village as the case may be opposes the same shall be submitted to and be subject to the award of the arbitrators in subsection (4) of this section mentioned who by their award may approve of, modify or vary, or entirely reject the proposed reduction of area and detachment or separation of farm lands and in the event of entire rejection by the award of the said arbitrators no further proceedings shall be taken under the said by-law and the same shall have no effect.

By-law and terms to be subject to revision or rejection by arbitrators.

Terms of  
separation.

(3) The said by-law of the county council shall further provide that in the event of the proposed reduction of area and detachment and separation of farm lands not being entirely rejected by the arbitrators but by their decision taking effect in whole or part, the terms and conditions of such separation and the adjustment of assets and liabilities with respect to the lands so separated between the municipal corporation of such town or village and the municipality to which such lands shall be annexed shall, in default of an agreement being arrived at within one month after the passing of the by-law by the county council, be submitted to the said arbitrators who shall award the amount to be paid to the town or village from which such lands have been taken by the municipality to which they have been annexed and the amounts to be received by such last mentioned municipality from the town or village together with such other terms and conditions as the said arbitrators may impose.

Appointment  
of arbitrators.

(4) One of the said arbitrators shall be appointed by the county council and named in the said by-law; another shall be named by the council of the town or village and the county judge shall be the third arbitrator, and the award of the said arbitrators or a majority of them shall be final and binding.

Fees of arbi-  
trators.

(5) The fees of the arbitrators including the cost of the award shall not in any case exceed \$75, and shall be paid by the county and the town or village municipality in equal shares.

Payment of  
amounts found  
due by muni-  
cipalities  
interested.

(6) After the separation of such lands from the town or village the municipality to which the same shall be annexed shall pay to the town or village from which such lands have been taken such part, if any, of the debts of the town or village as may have been agreed upon or determined by arbitration and shall be entitled to receive from and be paid by the said town or village the value of the interest which at the time of such separation the lands so separated had in the property or assets of the town or village as hereinbefore provided. 1 Edw. VII, c. 26, s. 2 *part*.

By-law to  
define limits.

(7) The by-law shall define by metes and bounds the new limits intended for such town or village, but the town or village shall not by any such change of boundaries be reduced in population below the number of 750 souls. 1 Edw. VII, c. 26, s. 2 *part*; 2 Edw. VII, c. 29, s. 1 (2).

Status of town  
or village not  
affected.

(8) The municipal privileges and rights of the town or village shall not be thereby diminished or otherwise interfered with as respects the remaining area thereof.

Not to apply  
to certain  
towns.

(9) This section shall not apply to any town which is separated from the county for municipal purposes nor to any town incorporated as such town since the 15th day of August, 1866. 1 Edw. VII, c. 26, s. 2 *part*.

18a The corporation of any town or incorporated village in which are situated lands wholly used for farming purposes may enter into special agreements with the owners of such lands as to the rate of taxation to which the same shall be subject for any period not exceeding five years at a time, and may pass by-laws to give effect to such agreements, but no such by-law or any agreement provided for thereby shall take effect or be valid or binding unless approved by a vote of not less than two-thirds of the council of the town or village as the case may be. 2 Edw. VII, c 29, s. 1 (1).

Agreements with owners of farm lands in towns and villages as to rate of taxation.

18b—(1) Upon the application of the council of any town or incorporated village in the districts where there is no county organization, or upon the application of such number of owners of any lands in any such town or village as shall represent at least one-half the amount of the assessed value of all lands included within the limits or area proposed to be withdrawn from such town or village, the Lieutenant-Governor in Council may, but subject to arbitration as hereinafter mentioned, reduce the area of such town or village and may exclude and detach such lands or any portion thereof or any lands situate outside the new limits to be defined by such arbitration, from the said town or village, and annex the same to some adjoining municipality.

Reducing area of town or village in unorganized territory.

(2) Provided that where the council of the town or village or of the municipality to which it is proposed to annex such lands as the case may be, opposes such reduction of area and detachment or separation of lands, then and in that event the matters in difference shall be submitted to, and be subject to the award of the arbitrators to be appointed under subsection 4 of this section, who, by their award may confirm, modify or vary or entirely reject the proposed reduction of area and detachment or separation of land, and in the event of entire rejection by the award of the said arbitrators no further proceedings shall be taken for a period of two years.

Award.

(3) In the event of the proposed reduction of area and detachment and separation of lands not being entirely rejected by the arbitrators but by their decision taking effect in whole or in part, and in default of agreement between the municipalities interested, the arbitrators shall in their award determine the terms and conditions of said separation and the adjustment of assets and liabilities with respect to the lands so separated between the municipal corporation of such town or village and the municipality to which such lands shall be annexed, and shall award the amount to be paid to the town or village from which such lands have been taken by the municipality to which they have been annexed and the amounts to be received by such last mentioned municipality from the town or village, together with such other terms and conditions as the said arbitrators may impose.

Settling terms of separation.



Appointment  
of arbitrators.

(4) (a) One of the said arbitrators shall be appointed by the Lieutenant-Governor in Council; another shall be named by the council of the said town or village and the third arbitrator shall be appointed by the council of the municipality to which it is proposed to annex such lands.

(b) In case the council of such town or village or municipality, fails to appoint an arbitrator within six weeks after service of notice from the other municipality interested naming the arbitrator, or in case an arbitrator appointed by any such council, refuses to act, then in any or all of such cases, arbitrators to take their place shall be appointed by the Lieutenant-Governor in Council.

(c) In case of the death or incapacity of any such arbitrator occurring after his appointment, another arbitrator shall be appointed in his place by the same authority which appointed the arbitrator so dying or becoming incapacitated, and the provisions of clause (b) as to appointments by the Lieutenant-Governor in Council shall apply to the appointments to be made under this clause, where any council fails to appoint a new arbitrator within two weeks from the date of the death or incapacity of its arbitrator so dying or becoming incapacitated.

(d) The award of the said arbitrators, or a majority of them shall be binding and final.

Fees of  
arbitrators.

(5) The fees of the arbitrators, including the cost of the award shall not in any case exceed \$75 and shall be paid by the town or village municipality from which said lands are detached and the municipality to which said lands are annexed in equal shares.

Payment  
of proportion  
of debt.

(6) After the separation of such lands from the town or village, the municipality to which the same shall be annexed, shall pay to the town or village from which such lands have been taken, such part, if any, of the debts of the town or village as may have been agreed upon or determined by arbitration, and shall be entitled to receive from and be paid by the said town or village, the value of the interest which at the time of such separation the lands so separated had in the property or assets of the town or village as hereinbefore provided.

New limits  
to be defined.

(7) The application for separation of lands from such town or village under this section shall be by petition to the Lieutenant-Governor in Council and shall define by metes and bounds the new limits intended for such town or village, but the town or village shall not, by such change of boundaries, be reduced in population below the number of seven hundred and fifty souls.



(8) The municipal privileges and rights of the town or village shall not be thereby diminished or otherwise interfered with as respects the remaining area thereof. 2 Edw. VII, c. 29, s. 2. Municipal privileges of town or village not affected.

19.—(1) In case the council of a village, by a two-thirds vote of the members thereof, shall pass a resolution declaring that it is expedient that the incorporation of such village should be annulled, and the resolution is approved by the electors in the manner required for by-laws creating debts; and in case the council of an adjoining municipality passes, or the councils of two or more of the adjoining municipalities pass a resolution or resolutions approving of the territory comprised in the village being annexed to such municipality or municipalities, the Lieutenant-Governor in Council may issue a proclamation annulling the incorporation of the village, and annexing the territory included therein to such municipality or municipalities. R. S. O., 1897, c. 223, s. 19 (1) 3 Edw. VII. c. 18, s. 5 Village may become unincorporated and be annexed to an adjoining municipality.

(a) The term "electors" in the preceding subsection shall include all freeholders and all lease-holders whose leases extend over a period of not less than five years from the date when the said vote is taken, provided the names of such freeholders and lease-holders are entered in the last revised assessment roll of the said municipality. "Electors" meaning of.

(2) If the said territory is annexed to one municipality, such municipality shall be liable for the debts of the village, and shall be entitled to its assets, but, if the territory is annexed to two or more municipalities, the councils of such municipalities shall, before the proclamation issues, agree between themselves, or determine by arbitration, as to the proportion of the debt of the village to be borne by them respectively, and as to the assets, or proportion of the assets, of the said village which the municipalities shall respectively receive; and the municipalities shall respectively be liable each for its proportion of such indebtedness as determined by the agreement or award. Adjustment of assets and debts.

(3) If the agreement or award instead of stating the proportion of the debt to be borne as aforesaid, states the shares so to be borne in sums of money, then the fraction which is formed by taking the sum named as the amount to be borne by any municipality as the numerator, and the aggregate of the sums named as the amounts to be borne by the said municipalities as the denominator, shall be the proportion of the entire debt to be borne by such municipality, whether or not the debt is accurately stated in the agreement or award. May be by a proportion.

(4) It may be part of the arrangement between the village and the municipality or municipalities that the village shall, for a time, be charged with a special rate, or that it shall be relieved of any rate, or part of a rate, imposed upon the rest of the municipality with which the village, or part of it, is to be united. Special rate may be imposed.

If municipalities are in different counties.

(5) In case the municipalities proposing to receive parts of the territory comprised in the village are in different counties, the provisions of this section may be acted upon with the assent (declared by resolution) of the councils of such counties, and unless such councils have previously agreed, or within three months from the issue of a proclamation under this section agree, as to the proportions in which the share of the county debt, which is referable to such village, is to be borne by the several counties, the same shall be determined by arbitration under this Act.

If one of them is a city or town

(6) Where part of the village is to be attached to a city or separated town, the city or separated town shall be deemed a county within the meaning of the next preceding subsection. R. S. O., 1897, c. 223, s. 19. (2)—(5)

[*Rev. Stat. c. 223, s. 20 repealed by 3 Edw. VII. c. 18, s. 6. For powers of municipalities as to taking a census, see sec. 533, par. 1.*]

Town containing over 15,000 inhabitants may be erected into a city; and village containing over 2,000 into a town.

21. In case it appears by the census return taken under a by-law of the municipality or under any statute, that a town contains over 15,000 inhabitants, the town may be erected into a city; and in case it appears by such return that a village contains over 2,000 inhabitants, the village may be erected into a town; but the change shall be made by means of and subject to the following proceedings and conditions:

Notice to be given.

1. The council of the town or village shall, for three months after the census return, insert a notice in some newspaper published in the town or village—or, if no newspaper is published therein, then the council shall, for three months, post up a notice in four of the most public places in the town or village, and insert the same in a newspaper published in the county town of the county in which the town or village is situate, or if there is no such newspaper, then in the newspaper published nearest to the said town or village—setting forth in the notice the intention of the council to apply for the erection of the town into a city, or of the village into a town, and stating the limits intended to be included therein;

Census returns to be certified, and publication of notice proved.

2. The council of the town or village shall cause the census return to be certified to the Lieutenant-Governor in Council, under the signature of the head of the corporation, and under the corporate seal, and shall also cause the publication aforesaid to be proved to the Lieutenant-Governor in Council; then, in the case of a village, the Lieutenant-Governor may, by proclamation, erect the village into a town by a name to be given thereto in the proclamation;

Village may be made a town by proclamation.

Existing debts to be adjusted in case of a town to be made a city.

3. In case the application is for the erection of a town into a city, the town shall also pay to the county of which it forms part, such portion, if any, of the debts of the county as is just; or the council of the town shall agree with the council of the county as to the amount to be so paid, with interest from the time of the erection of the new city, and as to the periods of payment; or, in case of disagreement, the same shall

shall be determined by arbitration under this Act; and upon the council proving to the Lieutenant-Governor in Council the payment, agreement or arbitration, the Lieutenant-Governor may, by proclamation, erect the town into a city, by a name to be given thereto in the proclamation. R. S. O. 1897, c. 223, s. 21.

Town may be made a city by proclamation.

**22.** The Lieutenant-Governor may include in the new town or city such portions of any township or townships adjacent thereto, and within the limits mentioned in the aforesaid notice, as, from the proximity of streets or buildings, or the probable future exigencies of the new town or city, the Lieutenant-Governor may consider it desirable to attach thereto. R. S. O. 1897, c. 223, s. 22.

Limits of such new town or city.

**23.** The Lieutenant-Governor may divide the new town or city into wards, with appropriate names and boundaries, but no town shall have less than three wards, and no ward in such town or city less than 500 inhabitants. R. S. O. 1897, c. 223, s. 23.

Wards, number of population of.

**24.** In case two-thirds of the members of the council of a city or town do, in council, before the 15th day of July in any year, pass a resolution affirming the expediency of any addition being made to the limits of the city or town, the Lieutenant-Governor may, by proclamation, to take effect on some day to be named therein and on such terms and conditions, as to taxation, assessment, improvements or otherwise, as the Lieutenant-Governor in Council sees fit and the council of the city or town may consent to, add to the city or town any part of the adjacent township or townships which the Lieutenant-Governor in Council, on the grounds aforesaid, considers it desirable to attach thereto. The said proclamation before it takes effect may be amended in any respect by a further proclamation. R. S. O. 1897, c. 223, s. 4; 2 Edw. VII. c. 29, s. 3; 3 Edw. VII., c. 18, s. 7.

Extension of city or town.

**25.** In case any tract of land so attached to the city or town belonged to another county, the same shall thenceforward, for all purposes, cease to belong to such other county, and shall belong to the same county as the rest of the city or town. R. S. O. 1897, c. 223, s. 25.

Where land attached to city or town, etc., belonged to another county.

**26.—(1)** The council of any village or town may by resolution declare that it is expedient that such village or town be annexed to an adjacent city, town or village and in case the council of such city, town or village passes a resolution to the same effect, the council of such first mentioned village or town may submit the resolution to the electors and if a majority of the electors voting thereon are in favour of the resolution, the Lieutenant Governor in Council may by proclamation annex the one municipality to the other upon such terms as may have been agreed upon or determined by arbitration. 3 Edw. VII., c. 18, s. 8. (2)

Annexation of villages or towns to adjacent villages, towns or cities.



Secs. 16, 24  
and 25 to  
apply.

(2) Subject to any variations made by the terms agreed upon or settled in manner aforesaid, the municipality annexed to the other shall be subject to the provisions of this Act having regard to the annexation of territory to a village, town or city.

Village or  
town may be  
erected into a  
town or city  
and re-divided  
into wards.

(3) In case the population admits thereof, the Lieutenant-Governor may, by the same proclamation, erect the village or town to which the addition is made, into a town or city, by a name to be given thereto in the proclamation, and may divide or re-divide the city, town or village into wards. R.S.O., 1897, c. 223, s. 26, (2) (3).

By-law to be  
submitted in  
case of a peti-  
tion therefor.

(4) In case a petition signed by one hundred and fifty electors of any town or village, is presented to the council of such town or village asking that a by-law be submitted for the annexation of such town or village to an adjacent village, town or city, either unconditionally or upon such terms as may be set out in said petition, it shall be the duty of such council to submit to the vote of the electors of the said town or village, a by-law for the annexation of the said village or town and the said council shall forthwith prepare a by-law in accordance with the prayer of the petition and shall submit the same to the said electors for approval or otherwise within four weeks after the receipt of the petition by the said council.

Council to  
pass by-law  
within one  
month.

(5) A by-law which is duly carried, under the provisions of the last preceding subsection, by the vote of the electors of said town or village shall, within a reasonable time, but not exceeding one month thereafter, be adopted by said council. R.S.O., 1897, c. 223, s. 26, (4) (5); 3 Edw. VII., c. 18, s. 9.

Assent of ad-  
jacent muni-  
cipality.

(6) Thereupon the council of such adjacent village, town or city may, by resolution, assent to the annexation of such town or village aforesaid.

Proclamation.

(7) In the event of the annexation of any such town or village as aforesaid having been approved of and assented to in manner hereinbefore provided, the same may be carried into effect by proclamation of the Lieutenant-Governor in Council on a day to be named in the said proclamation, or in any subsequent proclamation. R.S.O., 1897, c. 223, s. 26, (6) (7).

"Electors,"  
meaning of

(8) The term "electors" where it occurs in this section shall have the same meaning as in sub-section 1 of section 19 of this Act. 3 Edw. VII., c. 18, s. 10.

Annexed  
territory may  
be declared to  
remain in  
same electoral  
district as  
theretofore.

**26a.** The Lieutenant-Governor in Council, in and by any proclamation for adding territory to a city or town, or for annexing a village or a town to an adjacent city, town or village may provide that the territory added or the village or town annexed, shall for the purpose of elections to the Legislative Assembly continue for such period of time as may be mentioned in the proclamation, to form part of the electoral district of which it had theretofore formed a part. 3 Edw. VII., c. 18, s. 11.



[As to date of first election under proclamation, see Sec. 96.]

27. The council of any town containing by the last municipal census at least five thousand inhabitants may pass a by-law to withdraw the town from the jurisdiction of the council of the county within which the town is situated, upon obtaining the assent of the electors of the town to the by-law in manner provided by this Act, subject to the following provisions and conditions. R.S.O., 1897, c. 223 s. 27, *part.*; 63 V., c. 33, s. 1.

Town may be withdrawn from jurisdiction of county by by-law on certain conditions.

1. After the final passing of the by-law, the amount which the town is to pay to the county for the expenses of the administration of justice, the use of the gaol, and the erection and repairs of the registry office, and for providing books for the same, and for services for which the county is liable, under the provisions of any Act respecting the registration of instruments relating to lands, as well as for the then existing debt of the county, if not mutually agreed upon, shall be ascertained by arbitration under this Act; and the agreement or award shall distinguish the amount to be annually paid for the said expenses, and for the then debt of the county, and the number of years during which the payments for the debt are to be continued. R.S.O., 1897, c. 223, s. 27, *par.* 1.

Amount to be paid by town to county to be settled by agreement or arbitration.

2. In adjusting their award, the arbitrators shall take into consideration, among other things, the amount previously paid by the town, or which the town is then liable to pay, for the construction of roads or bridges by the county without the limits of the town; and also what the county has paid, or is liable to pay, for the construction of roads or bridges within the town; and they shall also ascertain, and allow to the town, the value of its interest in all county property, except roads and bridges within the town: Provided that no such town shall in any case be allowed the value of any interest it may have in any county property unless the council of the county in which the said town is situated ratifies and confirms the by-law of such town withdrawing from the county, such ratification and confirmation to be made by by-law of the council of such county. R.S.O., 1897, c. 223, s. 27, *par.* 2; 63 V., c. 33, s. 2.

Matters to be considered by arbitrators.

3. When the agreement or award has been made, a copy of the same and of the by-law, duly verified by affidavit, shall be transmitted to the Lieutenant-Governor, who may thereupon issue his proclamation, withdrawing the town from the jurisdiction of the council of the county. R.S.O., 1897, c. 223, s. 27, *par.* 3.

Copy of agreement or award to be sent to the Lieutenant-Governor. Proclamation.

4. No by-law of the council of the county made after the proclamation has been issued shall have any force in the town, except so far as relates to the care of the court house and gaol, and other county property in the town; and the town shall not thereafter be liable to the county for, or be obliged to pay to the county, any money for county debts or other purposes, except

Effect of proclamation.

except the sums agreed upon or awarded as aforesaid. R.S.O., 1897, c. 223, s. 27, *par.* 4; 62 V. (2) c. 26, s. 1.

New agree-  
ment or award  
after five  
years, etc.

5. After the lapse of five years from the time of the agreement or award, or of such shorter time as may be stated in the agreement or award, a new agreement or a new award may be made, to ascertain the amount to be paid by the town to the county for expenses of the administration of justice, use of the gaol, erection and repairs of the registry office or offices, providing books for the same, and for services for which the county is liable, as required by and under the provisions of any Act respecting the registration of instruments relating to lands.

Property after  
withdrawal.

6. After the withdrawal of a town from the county, all property theretofore owned by the county, except roads and bridges within the town, shall remain the property of the county. R.S.O., c. 223, s. 27, *pars.* 5, 6.

Town may  
after five years  
from with-  
drawal pass  
by-law for re-  
union with  
county.

28.—(1) The council of a town which has withdrawn from a county may, after the expiration of five years from the withdrawal, pass a by-law (to be assented to by the electors in manner provided for by this Act in respect of by-laws for creating debts) to re-unite with such county.

By-law to  
have no effect  
until ratified  
by council of  
county, etc.

(2) The by-law shall have no effect unless ratified and confirmed within six months after the passing thereof by the council of the county or union of counties from which the said town had previously withdrawn, and unless the terms and conditions which the town is to pay, perform, or be subject to, have been previously agreed upon or settled in manner following, that is to say:

Before by-law  
ratified, the  
accounts of  
the debts of  
town and  
county respec-  
tively to be  
determined.

(3) Before the by-law is confirmed by the council of the county, the councils of the town and county shall determine by agreement the amounts of the debts of the town and county respectively which are to be paid or borne by the county after the re-union, or what amount is to be payable by a special rate to be imposed upon the ratepayers of the town, over and above all other county rates, and all other matters relating to property, assets, or advantages consequent upon the reunion, and affecting the county or town respectively, and such other terms or conditions as appear just shall be settled by such agreement; and in default of such agreement being come to within three months after the passing of the by-law by the council of the town, the said matters shall be settled by arbitration, as provided by this Act. R. S. O., 1897, c. 223, s. 28.

[As to registration of by-laws, proclamations, etc., incorporating or changing the limits of municipalities, see *The Registry Act, R.S.O., Cap. 136, Sec. 86 (3).*]

## DIVISION II.—TOWNSHIPS.

*Townships, how attached to other municipalities. Sec. 29.*

*When junior township may become a separate corporation. Secs. 30, 31.*

*Arrangement of joint assets and debts. Sec. 32.*

*Seniority of townships. Sec. 35.*

*Effect of dissolution of union of counties on united townships in different counties. Sec. 36.*

[As to formation of new Townships, see R.S.O., Cap. 3, Sec. 13.]

**29.** In case a township is laid out by the Crown in territory forming no part of an incorporated county, the Lieutenant-Governor may, by proclamation, annex the township, or two or more of such townships lying adjacent to one another, to any adjacent incorporated county, and may erect the same into an incorporated union of townships with some other township of such county. R.S.O., 1897, c. 223, s. 29.

New township in territory not part of incorporated county may be attached to a county by proclamation.

[As to annexation of gores, etc., to Townships, see R.S.O., Cap. 3, Sec. 15].

**30.** When a junior township of an incorporated union of townships has 100 resident freeholders and tenants on the assessment roll as last finally revised and passed, such township shall, upon the 1st day of January next after the passing by the county council of the proper by-law in that behalf become separated from the union. R.S.O., 1897, c. 223, s. 30. See sec. 98.

Junior township containing 100 freeholders, etc., may be separated from union.

**31.**—(1) In case a junior township has at least 50, but less than 100 resident freeholders and tenants on the last revised assessment roll, and two-thirds of the resident freeholders and tenants of the township petition the council of the county to separate the township from the union to which it belongs; and in case the council considers the township to be so situated, with reference to streams or other natural obstructions, that its inhabitants cannot conveniently be united with the inhabitants of an adjoining township for municipal purposes, the council may, by by-law, separate the same from the union; and the by-law shall name the returning officer who is to hold, and the place for holding, the first election.

In what cases junior township containing 50 freeholders, etc., but less than 100, may be separated from union,

(2) In case two-thirds of the resident freeholders and tenants of one or more junior townships petition the council of the county to be separated from the union to which they belong, and to be attached to some other adjoining municipality, and in case the council consider that the interest and convenience

and attached to an adjoining municipality.



venience of the inhabitants of the township or townships would be promoted thereby, they may, by by-law, separate the township or townships from the union, and attach the same to some other adjoining municipality. R.S.O., 1897, c. 223, s. 31.

**32.** After the dissolution of a union of townships, the following shall be the disposition of the property of the union :

**Disposition of property upon dissolution of union.** **Real property.** 1. The real property of the union situate in the junior township, shall become the property of the junior township ;

2. The real property of the union situate in the remaining township or townships of the union shall be the property of the remaining township or townships ;

**Other assets.** 3. The two corporations shall be jointly interested in the other assets of the union, and the same shall be retained by the one, or shall be divided between both, or shall be otherwise disposed of, as they may agree ;

**Arrangement as to property and debts.** 4. The one shall pay or allow to the other, in respect of the said disposition of the real and personal property of the union, and in respect to the debts of the union, such sum or sums of money as may be just ;

**How to be determined in case of disagreement.** 5. In case the councils of the townships do not, within three months after the first meeting of the council of the junior township, agree as to the disposition of the personal property of the union, or as to the sum to be paid by the one to the other, or as to the times of payment thereof, the matters in dispute shall be settled by arbitration under this Act ;

**Amount settled to bear interest.** 6. The amount so agreed upon or settled shall bear interest from the day on which the union was dissolved ; and shall be provided for by the council of the indebted township like other debts. R.S.O., 1897, c. 223, s. 32.

*[Rev. Stat. c. 223, ss. 33 and 34 omitted as there are no cases to which they can now apply.]*

**Seniority of united townships, how regulated.** **35.** Every proclamation or by-law forming a union of townships shall designate the order of seniority of the townships so united ; and the townships of the union shall be classed in the by-law according to the relative number of freeholders and tenants on the last revised assessment roll ; or if there is no such revised assessment roll for any of such townships, then the order of seniority shall be determined by the proclamation or by-law, as the Lieutenant-Governor or the county council may think fit. R.S.O., 1897, c. 223, s. 35.

**Effect of dissolution of union of counties on united townships in different counties.** **36.** In case the united townships are in different counties the by-law shall cease to be in force whenever the union of the counties is dissolved. R.S.O., 1897, c. 223, s. 36.

*[Rev.]*



[*Rev. Stat. c. 223, s. 37, which provided for the setting apart of hamlets by township councils, repealed by 3 Edw. VII., c. 18, s. 13. It is now unnecessary, in view of the extension of the local improvement sections to townships—For Cl. (a) of sub-section 3, see now sec. 561, par. 10.*

### DIVISION III.—COUNTIES.

#### *Seniority of United Counties. Sec. 39.*

[*As to the formation of new counties see Rev. Stat. Cap. 3, Sec. 13.*]

[*Rev. Stat. c. 223, s. 38, repealed by 3 Edw. VII., c. 18, s. 13. The formation of a new county is a matter for special legislation.*]

**39.** In every union of counties, the county in which the court house is situate shall be the senior county; and the other county or counties of the union shall be the junior county or counties thereof. R.S.O., 1897, c. 223, s. 39.

Seniority of united counties, how regulated.

[*Rev. Stat. c. 223, s. 40, repealed by 3 Edw. VII., c. 18, s. 13. See Rev. Stat., c. 12, s. 8, par. 12.*]

### DIVISION IV.—PROVISIONAL COUNTY CORPORATIONS.

[*Rev. Stat. c. 223, ss. 41-54, repealed by 3 Edw. VII., c. 18, s. 13, dealt with the formation of provisional county corporations, and their officers and powers, and provided for proceedings to be taken for complete separation, and the effect thereof upon pending actions, etc. There is no provisional county corporation except that of Haliburton which is provided for by a special Act, and the dissolution of a union of counties is more properly a subject for special legislation.*]

### DIVISION V.—MATTERS CONSEQUENT UPON THE FORMATION OF NEW CORPORATIONS.

*By-Laws to continue in force. Secs. 55, 56.*

*Debts and liabilities how affected. Secs. 57-61.*

*Officials and their sureties, how affected. Secs. 62-65.*

#### *By-laws.*

**55.** In case a village is incorporated or a village or town (with or without additional area) is erected into a town or city

By-laws in force prior to formation of  
or

new corpora-  
tion to con-  
tinue in force  
until altered  
by council of  
new corpora-  
tion.

or a township or county becomes separated, the by-laws in force therein respectively shall continue in force until repealed or altered by the council of the new corporation; but no such by-law shall be repealed or altered unless it could have been legally repealed or altered by the council which passed the same. R. S. O., 1897, c. 223, s. 55.

What by-laws  
in force in  
extended  
limits of a mu-  
nicipality.

**56.** In case an addition is made to the limits of any municipality, the by-laws of the municipality shall extend to the additional limits, and the by-laws of the municipality from which the same has been detached shall cease to apply to the addition, except only by-laws relating to roads and streets, and these shall remain in force until repealed by by-laws of the municipality to which the addition has been made. R. S. O., 1897, c. 223, s. 56.

### *Debts and Liabilities.*

Liability for  
debts exist-  
ing at the  
time of disso-  
lution.

**57.** In case of the erection of a locality into a village, or of a village into a town, or of a town into a city, the village, town or city shall remain subject to the debts and liabilities to which the locality was previously liable, in like manner as if the same had been contracted or incurred by the new municipality; and, after the separation of a county or township from a union, each of the counties or townships which formed the union shall remain subject to the debts and liabilities of the union, as if the same had been contracted or incurred by the respective counties or townships of the union after the dissolution thereof. R. S. O., 1897, c. 223, s. 57.

Adjustment of  
debts when  
limits ex-  
tended.

**58.**—(1) After an addition has been made to a village, town or city by the annexation of an adjoining village or town, or of an adjoining portion of a township, the city, town or village whose limits have been so extended, shall pay to the township or county from which the additional territory has been taken, such part, if any, of the debts of the township or county as may be just, and shall be entitled to receive from and be paid by the said township or county the value of the interest which at the time of making such addition the added territory had in the property and assets of the township or county; and in case the councils do not, within three months after the first meeting of the council of the municipality to which the addition has been made, agree as to the sum to be paid or received as aforesaid, or as to the time of payment, the matter shall be settled by arbitration under this Act.

Powers to pro-  
ceed with  
local improve-  
ments upon  
lands subse-  
quently an-  
nexed to  
another mu-  
nicipality.

(2) Where any improvement, work or service coming under the provisions of *The Municipal Drainage Act* or of sections 664 to 687, 689 and 690, both inclusive, of this Act, is undertaken by any municipal corporation, and after such corporation has become liable for the carrying out of the same, the land to be specially benefited by any such improvement, work or service, or any part thereof, becomes and forms part of another municipality by in-  
corporation

corporation, annexation, or otherwise under the provisions of this Act or of any special Act, the municipal corporation from which such land or any part thereof is taken shall have full power and authority, by themselves, their servants, workmen and agents, to proceed with any such improvement, work or service, to the completion thereof, and for such purpose to enter upon take and use any land lying within the limits of such new municipality, or within the limits of the territory added to such adjoining municipality, which is necessary to enable them to complete any such improvement, work or service; and they may take all such proceedings, pass all such by-laws, make all such special and other assessments, impose all special and other rates, issue and sell all such debentures, borrow all such moneys, and do all such other matters and things as are necessary to complete any such improvement, work or service, and to provide for the cost thereof in the same manner as if no such new municipality had been formed, or no such annexation of territory had been made.

(3) Any municipality from which territory is taken to form a new municipality, or to make an addition to an adjoining municipality, shall be indemnified by the new municipality or by the municipality to which the addition is made, as the case may be, from and against all debts and liabilities incurred by it prior to the formation of the new municipality, or the making of such addition, for or in respect of any improvement, work or service, undertaken and carried out, or to be carried out by it, under the provisions of *The Municipal Drainage Act* or of sections 664 to 687, 689 and 690, both inclusive, of this Act, to the extent to which the lands specially assessed therefor and lying within the territory taken from it, and included within the new municipality or added to the adjoining municipality, as the case may be, were specially assessed for the cost of the said improvement, work or service: and all debts incurred by a municipality for its share of the cost of any such improvement, work or service, shall be taken into account when taking and adjusting the accounts between it and the other municipality arising out of the formation of the new municipality or the addition of territory to such adjoining municipality.

Municipality to which territory annexed to indemnify municipality undertaking the work.

Rev. Stat., c. 226.

(4) In any case where the lands specially assessed for the local improvement, work or service lie wholly within the new municipality when formed, or within the limits of the territory added to such adjoining municipality, the new municipality or the adjoining municipality, as the case may be, shall assume the entire debt created by any local improvement by-law passed by the council of the municipality to which such territory formerly belonged, and shall, (on being furnished by the clerk of the municipality which passed the by-law with a certified copy of the by-law, and of the special assessments in each year during the currency of the debentures issued pursuant to such by-law) collect the special rates imposed by such by-law as aforesaid, at the same time as all other taxes of said

Where lands benefited afterwards become part of another municipality, latter to collect and pay whole debt.

said municipality are collected: and the treasurer thereof shall pay the interest on such debentures when and as the same falls due, and shall from time to time, as directed by resolution of the council of such new municipality or of the municipality to which such territory has been added, invest the sum set aside by said by-law for the purpose of paying said debentures at the maturity thereof.

Where part only, each municipality in which lands situate to collect proportion of cost.

(5) Where part only of the lands specially benefited by and assessed for any such local improvement, work or service lie within the limits of the new municipality, when formed, or within the limits of the addition made to any such adjoining municipality, the clerk of the municipality from which such lands have been taken shall furnish to the clerk of the new municipality or of the municipality to which the addition has been made, as the case may be, a certified copy of the by-law and of the special assessment: and from and after the receipt thereof, the corporation of the new municipality, or the municipality to which such addition has been made, as the case may be, shall, during each and every year during the currency of the debentures issued under such by-law, collect the special rates imposed by such by-law upon lands lying within their limits: and the treasurer thereof shall, as and so soon as the same are collected, pay over the amount thereof to the treasurer of the municipality to which such lands formerly belonged. R.S.O., 1897, c. 223, s. 58.

Debentures to be issued for old debts, and to bind the old and new municipalities.

**59.** After the formation of a new corporation by the dissolution of a union of counties or townships, the council of the senior or remaining county or township shall issue its debentures or other obligations for any part of any debt contracted by the union for which debentures or other obligations might have been, but had not been, issued before the dissolution and the debentures or obligations shall recite or state the liability of the junior county or township therefor under this Act; and the junior county or township shall be liable therefor as if the same had been issued by the union before the dissolution. R. S. O. 1897, c. 223, s. 59.

Assessments for year preceding dissolution.

**60.** All assessments imposed by the council of the then corporation for the year next before the year in which the new corporation is formed by separation therefrom, shall belong to the then corporation, and shall be collected and paid over accordingly: and after the separation all special rates for the payment of debts, theretofore imposed upon the locality by any by-law of the former corporation, shall continue to be levied by the new corporation; and the treasurer of the new corporation shall pay over the amount as received to the treasurer of the senior or remaining municipality: and the latter shall apply the money so received in the same manner as the money raised under the same by-law in the senior or remaining municipality. R. S. O. 1897, c. 223, s. 60.

Special rates for debts continued and to be paid over by treasurer of the junior county.



**61.** In case the amount paid over as in the last preceding section provided, or paid to any creditor of the senior or remaining municipality, in respect of a liability of the former corporation, exceeds the sum which, by the agreement or award between the councils, the new corporation ought to pay, the excess may be recovered from the senior or remaining municipality as a debt due to the new municipality and bearing interest from the time of such payment. R. S. O. 1897, c. 223, s. 61.

If the sum paid over exceeds the just amount, the excess may be recovered.

### *Officials and their Sureties.*

**62.** In case a village is incorporated, or a village or town is erected into a town or city, or a township or county becomes separated, the council and the members thereof having authority in the locality or municipality immediately previous to the incorporation, erection or separation shall, until the council of the corporation is organized, continue to have the same powers as before; and all other officers and servants of the locality or municipality shall, until dismissed, or until their successors (if any) are appointed, continue in their respective offices, with the same powers, duties and liabilities as before. R. S. O. 1897, c. 223, s. 62.

Former council and officers to exercise jurisdiction over new municipalities, etc., until new councils are organized.

**63.** The separation of a junior county or township from a union of counties or townships shall not in any case or in any manner whatever affect the office, duty, power or responsibility of any public officer of the union who continues a public officer of the senior county or township or remaining counties or townships after such separation, or of the sureties of such officer or their liability, further than by limiting such office, duty, power, responsibility, suretyship and liability to the senior county or township, or to the remaining counties or townships. R. S. O. 1897, c. 223, s. 63.

Effect of separation upon public officers and their sureties.

**64.** All such public officers shall, after the separation, be the officers of the senior county or township, or remaining counties or townships, as if they had respectively been originally appointed public officers for such senior county or township or for such remaining counties or townships only. R. S. O. 1897, c. 223, s. 64.

Further provisions as to officers.

**65.** All sureties for such public officers shall be and remain liable, as if they had become the sureties for such public officers in respect only of such senior county or township, or of such remaining counties or townships; and all securities which have been given, shall, after the separation, be read and construed as if they had been given only for the senior or remaining county or counties, or township or townships; but nothing herein contained shall affect the right to require new securities to be given by any sheriff or by any clerk, bailiff, or other public officer, under any statute, or otherwise howsoever. R. S. O. 1897, c. 223, s. 65.

Liability of sureties for public officers.

Right to require new securities not affected.

## PART II.

## MUNICIPAL COUNCILS, HOW COMPOSED.

TITLE I.—THE MEMBERS.

TITLE II.—QUALIFICATION, DISQUALIFICATION, AND EXEMPTIONS.

## TITLE I.—THE MEMBERS.

DIV. I.—IN COUNTIES.

DIV. II.—IN CITIES AND TOWNS.

DIV. IV.—IN VILLAGES.

DIV. V.—IN TOWNSHIPS.

DIV. VI.—IN PROVISIONAL COUNTIES.

## DIVISION I.—IN COUNTIES.

*County councils, how composed.* Sec. 66.*County council divisions.* Sec. 67.*Board to re-arrange divisions.* Sec. 68.*When county councils may be composed of reeves and the mayors of towns.* Sec. 68a.*Not to apply to Haliburton.* Sec. 69.County  
councils, how  
composed.**66.**—(1) County councils shall be composed as follows:—

(a) If the population of the county is 25,000 or less, of not less than 8 members nor more than 10 members.

(b) If the population is more than 25,000 but less than 40,000, of not less than 10 members nor more than 12 members

(c) If the population is 40,000 or more but less than 60,000, of not less than 12 members nor more than 14 members.

(d) If the population is 60,000 or more, of not less than 16 members nor more than 18 members.

Ascertaining  
population.

(2) The population of any county shall, for the purposes of this section and section 67, be ascertained by reference to the population of the local municipalities as shown by the last decennial census of the Dominion of Canada.

(3) Cities, towns and other municipalities separated from the county shall not be included in the computation of the population, nor shall the population of Indian reserves which are not organized as municipalities under this Act be so included. R. S. O. 1897, c. 223, s. 66.

Separated municipalities and Indian reserves not to be included in computing population.

**67.**—(1) For the purposes of representation in the county council, each county shall be divided into divisions (which shall be known as “County Council Divisions,”) as follows:—

County council divisions.

(a) If the population of the county is 25,000 or less, into not less than 4 and not more than 5 divisions.

(b) If the population is more than 25,000 but less than 40,000, into not less than 5 and not more than 6 divisions.

(c) If the population is 40,000 or more, but less than 60,000, into not less than 6 nor more than 7 divisions.

(d) And if the population is 60,000 or more, into not less than 8 nor more than 9 divisions.

(2) The divisions established by the report of the Commissioners, appointed under the provisions of *The County Councils Act, 1896*, filed with the Provincial Secretary and with the several county clerks, pursuant to sections 32 and 33 of the said Act shall constitute such county council divisions.

County council divisions.

59 V. c. 52.

(3) Each division shall be designated and distinguished by its number (as, for example, the “First County Council Division,”) and shall be represented in the county council by two members, who shall hold office for the term of two years, and until their successors are elected and sworn into office and the new county council is organized. R. S. O. 1897, c. 223, s. 67

Two members for each district.

Term of office.

**68.** The Judge of the County Court of the county, the warden thereof and the Clerk of the Peace shall constitute a board, whose duty it shall be, where a new village is erected or a town is separated from the county or is erected into a city or where a separated town is re-united to the county and the arrangement into county council divisions is thereby disturbed, by their order to attach such village to some convenient county council division or to rearrange the county council divisions affected, and, if necessary, the adjoining division or divisions; but in so doing the board shall make only such changes as the altered circumstances require. Or the said Board may with the consent of the councils of the county and separated town form the separated town about to be reunited into a division of the county council in addition to the present divisions, to be represented in proportion to population, one member being added for such town when the population thereof is less than any of the county council divisions, and two members being added for such town when

Board to rearrange divisions.

Forming town re-united to county into a separate county council division.

the population is equal to that of any of the existing county council divisions. This arrangement shall continue only until a redistribution of the county council divisions shall take place by reason of increase of population or otherwise. R.S.O. 1897, c. 223, s. 68; 62 V. (2) c. 26, s. 2; 63 V. c. 33, s. 3.

Resolutions of councils that county council be composed of reeves of townships and villages and mayors of towns.

**68a** (1) The council of any local municipality within a county, at a special meeting called for that purpose, may by resolution declare that it is expedient that the council of such county should be composed of the reeves of townships and villages and the mayors of towns not separated from the county, instead of representatives of the county council divisions constituted under this Act, and may cause a copy of such resolution, duly certified by the clerk and head of the council under the corporate seal, to be deposited with the clerk of the county on or before the first day of October, in any year, immediately preceding a year in which county councillors are to be elected under this Act.

Resolutions to be filed with county clerk and notice to be published in newspaper.

(2) In case a resolution has been duly passed and deposited with the clerk of the county in any year under the preceding subsection by the councils of a majority of the local municipalities in the county, the clerk of the county shall certify the facts to the county council in writing signed by him, and shall also, on or before the 15th day of October in such year insert a notice of the passing of the resolution by a majority of the councils of the local municipalities of the county, in some newspaper published in the county town and in one other newspaper published in the county. After the publication of such notice it shall not be necessary to hold an election of county councillors in such county or to appoint nominating officers therefor, but the county council for the following year and thereafter shall be composed of the reeves of all townships and villages in the county and the mayors of all towns not separated from the county for municipal purposes, and the following subsections of this section shall apply to such county :—

Declaration of office to be filed with Clerk of County.

(3) No reeve or mayor shall take his seat in the county council until he has filed with the clerk of the county council a certificate of the township, village or town clerk under his hand and the seal of the Municipal Corporation that such reeve or mayor was duly elected, and has made and subscribed the declarations of office and qualification as such reeve or mayor.

Form of certificate as to election.

(4) The certificate in subsection 3 mentioned may be in the following form :—

I, (A.B.) of \_\_\_\_\_, Clerk of the Corporation of the Township (*Town or Village as the case may be*) of \_\_\_\_\_ in the county of \_\_\_\_\_ do hereby, under my hand and the seal of the said Corporation, certify that (C.D.) of \_\_\_\_\_ Esquire, was duly elected Reeve (*or Mayor, as the case may be*) of the \_\_\_\_\_ said



said Township of (*Town or Village, as the case may be*) and has made and subscribed the declaration of office and qualification as such Reeve (*or Mayor, as the case may be.*)

(5) The members elect of every county council, being at least a majority of the whole number of the council, shall at their first meeting after the yearly elections, and after making the declarations of office and qualification when required to be taken, organize themselves as a council by electing one of themselves to be warden. Election of warden.

(6) At every such election the clerk of the council shall preside, and if there is no clerk the members present shall select one of themselves to preside, and the person so selected may vote as a member. Clerk of council to preside.

(7) Where the number of votes cast for a warden is even and no election can be had during the first day of meeting, if no choice is made after the council has voted twice on the second day, the member representing the municipality having the largest equalized assessment shall have two votes, and in case of two or more municipalities having an equalized assessment of the same amount, the clerk shall in open council draw lots to ascertain which member shall give the casting vote. Who to have casting vote in the event of an equality of votes.

(8) In every question arising in a county council constituted under this section which involves the expenditure of money to an excess of \$1,000 for any purpose other than the current annual expenses of the municipality, the result shall be determined by adding together the equalized assessments of the municipalities whose representatives vote for such expenditure and against such expenditure respectively, instead of by a majority vote of the members as in other cases. Voting of members according to equalized assessment in certain expenditures.

(9) Such county council shall have all the rights, powers and authority vested in county councils by this Act, and, subject to the provisions of subsection 8 of this section, may do and perform all acts, matters and things which county councils might or could do under this Act; and all parts of this Act affecting or applicable to county councils, except the provisions thereof relating to the election of county councillors and the election of a warden, shall apply to the county councils constituted under the preceding subsections of this section. Powers of councils.

(10) The words "local municipality" or "local municipalities" in the preceding subsections of this section shall not include a city or a town separated from the county for municipal purposes. 3 Edw. VII. c. 18, s. 14. Meaning of words "local municipality."

**69.** Sections 66 to 68*a* inclusive, shall not apply to the Provisional County of Haliburton. R. S. O. 1897, c. 223, s. 69. Not to apply to Haliburton.

DIVISION

## DIVISION II.—IN CITIES AND TOWNS.

*City Councils.* Sec. 70.*Town Councils.* Sec. 71.*Towns of 5,000 or less, election by general vote.* Sec. 71a (1).*Return to election by wards in such cases.* Sec. 71a (2).*Election by general vote in towns and cities of 15,000 or less.* Sec. 71a (3).*Return to ward system in such cases.* Sec. 71a (4).*Election by general vote in cities of more than 15,000.*

Sec. 71a (5).

*Provisions as to by-laws changing mode of election.* Sec. 71a (6)-(10).

Constitution  
of councils in  
cities, reduc-  
ing number of  
aldermen.

**70.** Subject to the provisions of section 71a of this Act, the council of every city shall consist of the mayor, who shall be the head thereof, and three aldermen for each ward, to be elected in accordance with the provisions of this Act, provided always that the council of any city may on or before the first day of November in any year pass a by-law reducing the number of aldermen for each ward to two, and at the next municipal election and thereafter two aldermen shall be elected for each ward; but such by-law before the final passing thereof shall receive the assent of the electors of the municipality qualified to vote at municipal elections. Provided that this section shall not affect the right of any city to have four aldermen for each ward under the provisions of any special legislation in that behalf. 2 Edw. VII. c. 29, s. 4.

Town Coun-  
cils.

**71.**—(1) Subject to the provisions of section 71a, the council of every town shall consist of the mayor, who shall be the head thereof, and three councillors for each ward where there are less than five wards, or two councillors for each ward where there are five or more wards;

Reduction of  
number of  
councillors.

Provided always that the council of every town, where there are less than five wards, may, upon a petition of not less than 100 municipal electors, pass a by-law reducing the number of councillors for each ward to two; but such by-law, before the final passing thereof, shall receive the assent of the electors of the municipality qualified to vote at municipal elections. R. S. O 1897, c. 223, s. 71 (1); 62 V. (2) c. 26, s. 3.

When and  
how by-law  
reducing num-  
ber of town  
councillors  
may be  
repealed.

(2) At any time after two annual municipal elections have been held under a by-law passed under this section, the council of the municipality, upon the presentation to them of a petition of not less than 100 resident municipal electors, asking the council to submit to a vote of the electors, a by-law for the repeal of the by-law so passed, shall, without unnecessary delay, submit such repealing by-law to a vote of the electors of the municipality qualified to vote at municipal elections. R.S.O. 1897, c. 223, s. 71 (2).

71a.

71a—(1). The council of every town having a population of not more than 5,000 shall consist of a mayor, who shall be the head thereof, and of six councillors, who shall be elected by a general vote. In towns of 5,000 or less.

(2). At any time, after two annual elections have been held under the provisions of sub-section 1 of this section, the council of the town may by by-law provide for the division of the town into wards and at the annual municipal election held next after the passing of such by-law and thereafter at each annual election so long as the said by-law shall remain in force one councillor shall be elected by the electors of each ward, and the remaining councillors to complete the full number of six shall be elected by general vote. Return to ward system in such towns

(3). The council of any town having a population of more than 5,000, and the council of any city having a population of 15,000 or less, may by by-law provide that the council of such city or town shall be composed of a mayor and one alderman for each 1,000 of population to be elected by general vote, or of a mayor and six aldermen, when the population is less than 6,000. By-laws for election by general vote in cities and towns of 15,000 or less.

(4). At any time after two annual elections have been held under the provisions of sub-section 3 of this section, the council of the town or city may by by-law provide for the election of aldermen by wards as provided in section 71 of this Act. Return to ward system in such cases.

(5). In any city having a population of more than 15,000, the council may by by-law provide that the alderman shall be elected by a general vote of the municipal electors, and may in like manner repeal any such by-law. Cities of more than 15,000.

(6). No by-law shall be passed under this section by the council of any city or town, nor shall any by-law repealing the same be so passed until it shall have been submitted to the electors at an annual municipal election, and shall have received the assent of a majority of the electors voting thereon. Assent of electors to by-laws.

(7). Upon a petition signed by at least twenty per cent. of the electors of the city or town, as the case may be, being presented to the council on or before the 1st day of November, in any year, for the submission of a by-law under sub-sections 2 and 4, and upon a petition signed by at least 400 electors of a city being presented to the council on or before the said date for the submission of a by-law, or the repeal thereof under sub-section 5 it shall be the duty of the council of such city or town, as the case may be, to submit the by-law at the then next ensuing annual municipal election. Provided that no by-law passed under sub-sections 2, 3 and 4 of this section shall be repealed until at least two annual municipal elections have been held under such by-law, and no by-law passed under sub-section 5 of this Petition for submission of by-law.  
Provido as to repealing by-laws.

this section shall be repealed until at least five annual municipal elections have been held thereunder.

“Electors”,  
meaning of.

(8). The word “electors” in this section shall mean the persons qualified to vote at municipal elections in the city or town, as the case may be.

By-laws when  
to take effect.

(9). Every by-law passed under this section shall come into force and take effect at the next annual municipal election.

Population  
how deter-  
mined.

(10). The population of any city or town shall, for the purposes of this section, be determined by the latest census of the Dominion of Canada. 3 Edw. VII. c. 18, s. 15.

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#### DIVISION IV.—IN VILLAGES.

##### *Village Councils. Sec. 72.*

Village  
Councils.

**72.** The council of every village shall consist of a reeve, who shall be the head thereof, and four councillors who shall be elected by a general vote. R. S. O. 1897, c. 223, s. 72; 61 V. c. 23, s. 3.

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#### DIVISION V.—IN TOWNSHIPS.

##### *Township Councils. Sec. 73.*

Township  
Councils.

**73.** The council of every township shall consist of a reeve, who shall be the head thereof, and four councillors, who shall be elected by a general vote. R. S. O. 1897, c. 223, s. 73; 61 V. c. 23, s. 4.

[*Rev. Stat. c. 223, sec. 74 was repealed by 62 V. (2) c. 26, s. 4.*]

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#### DIVISION VI.—IN PROVISIONAL COUNTIES.

##### *Provisional County Councils. Sec. 75*

Provisional  
Councils.

**75.** The county councillors who represent the county council divisions constituting a junior county (including any county council division which takes in the larger part of any municipality in such junior county), shall, *ex officio*, be members of the provisional council of such junior county, and shall, together with the representatives of separated towns mentioned in subsection 3 of section 41, constitute the said provisional council. R. S. O., 1897, c. 223, s. 75; 62 V. (2) c. 26, s. 5.

TITLE



## TITLE II.—QUALIFICATION, DISQUALIFICATION, AND EXEMPTIONS.

DIV. I.—QUALIFICATION,  
DIV. II.—DISQUALIFICATION,  
DIV. III.—EXEMPTIONS.

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### DIVISION I.—QUALIFICATION.

*For local municipal councils. Sec. 76.*

*For county councils. Sec. 77.*

*In new township where no assessment roll. Sec. 78.*

*Where only one qualified person for each seat. Sec. 79.*

**76.**—(1) Except in the districts of Muskoka, Parry Sound, Nipissing, Algoma, Thunder Bay, Manitoulin, Rainy River, and the provisional county of Haliburton, no person shall be qualified to be elected a mayor, alderman, reeve, or councillor of any local municipality unless such person resides within the municipality, or within two miles thereof, and is a natural born or naturalized subject of His Majesty, and a male of the full age of twenty-one years, and is not disqualified under this Act, and unless such person has, or his wife has, at the time of the election, as owner or tenant, a legal or equitable freehold or leasehold, or an estate partly freehold and partly leasehold, or partly legal and partly equitable, which is assessed in his own name, or in the name of his wife, on the last revised assessment roll of the municipality, to at least the value following, over and above all charges, liens, and incumbrances affecting the same, Qualification  
of mayors,  
aldermen, etc.

- (a) In villages—Freehold to \$200, or leasehold to \$400 ;
  - (b) In towns—Freehold to \$600, or leasehold to \$1,200 ;
  - (c) In cities—Freehold to \$1,000, or leasehold to \$2,000 ;
  - (d) In townships—Freehold to \$400, or leasehold to \$800 ;
- and in the said districts and provisional county,
- (e) In townships and villages, freehold to \$100, or leasehold to \$200 ;
  - (f) In towns, freehold to \$400, or leasehold to \$800 ;
- and so in the same proportions in all municipalities, in case the property is partly freehold and partly leasehold ;

But, if any such person is at the time of election in actual occupation of any such freehold, rated in his own name or in the name of his wife on the last revised assessment roll of the municipality, he shall be entitled to be elected, if the value at which such freehold is actually rated on such assessment roll amounts to not less than \$2,000 ; and for that purpose the said value

value shall not be affected or reduced by any lien, incumbrance or charge existing on or affecting such freehold. R. S. O., 1897, c. 223, s. 76 (1); 62 V. (2), c. 26, s. 6; 3 Edw. VII. c. 18, s. 16.

When alienation of property rated not to disqualify.

(2) No person who has, or whose wife has property duly rated on the last revised assessment roll, sufficient to qualify him, as in the preceding subsection required, shall be deemed to be disqualified by the alienation by sale or otherwise of the said property, or by the expiration or surrender of the demised term between the date of the return of the assessment roll and the time of his election, if at the time of his election he is resident within the municipality and has, or his wife has, as owner or tenant, a legal or equitable freehold or leasehold, or a partly freehold and partly leasehold, or a partly legal and partly equitable estate of sufficient assessed value to qualify him for election under the preceding subsection.

Declaration of qualification in such cases

(3) In case of the election of a person qualified under the preceding subsection, the declaration of qualification under subsection 2 of section 311 of this Act may be taken, striking out all the words thereof after the word "occupation" in the thirteenth line of the said subsection, and inserting in lieu thereof the words

"And I had such an estate actually rated on the last revised assessment roll of this municipality (*naming it*) at an amount not less than \$2,000."

Qualification of members of council where new territory added to village, town or city.

(4) Where territory has been added to a village, town or city, before a revised assessment roll of the municipality has been made which includes such added territory, it shall be sufficient if the required rating or part thereof is in respect of land or premises situate within the newly added territory on the last revised assessment roll of the municipality of which such added territory had before the addition formed part.

"Leasehold" defined.

Nature of estate.

(5) The term "leasehold" in this section shall not include a term less than a tenancy for a year, or from year to year; and the qualification of any person, where a qualification is required under this Act, may be of an estate either legal or equitable, or may be composed partly of each. R. S. O., 1897, c. 223, s. 76 (2)-(5.)

Members of county councils.

77. Every member of a county council shall possess the same property qualification as the mayor of a town is required to possess, and shall also be a resident of the county council division for which he is a county councillor. R. S. O., 1897, c. 223, s. 77; 62 V. (2), c. 26, s. 7.

In new township not having assessment roll.

78. In the case of a new township erected by proclamation, and for which there has been no assessment roll, every person who, at the time of the first election, has such an interest in real property, and to such an amount as is mentioned in section 76 of this Act, shall be deemed to be possessed of a sufficient property qualification. R. S. O., 1897, c. 223, s. 78.

**79** In case in any municipality there are not at least two persons qualified to be elected for each seat in the council, no qualification beyond the qualification of an elector shall be necessary in the persons to be elected. R.S.O., 1897, c. 223, s. 79. If only one person qualified for each seat in the council.

#### DIVISION II.—DISQUALIFICATION.

*For membership in any municipal council. Sec. 80.*

*For membership in county councils. Sec. 81.*

*Candidates for county councillors disqualified for local municipal councils. Sec. 82.*

*Contracts, etc., with members of council, when void. Sec. 83.*

**80.**—(1) No Judge of any Court of civil jurisdiction, no gaoler or keeper of a house of correction, no sheriff, deputy sheriff, sheriff's bailiff, high bailiff or chief constable of any city or town, no assessor, collector, treasurer, or clerk of any municipality, no bailiff of any Division Court, no county Crown attorney, no registrar, no deputy clerk of the Crown, no clerk of the County Court, no clerk of the peace, no High School trustee, and no member of a school board for which rates are levied, no innkeeper or saloonkeeper, or shopkeeper licensed to sell spirituous liquors by retail, no license commissioner or inspector of licenses, no police magistrate, and no person having by himself or his partner an interest in any contract with or on behalf of the corporation, or having a contract for the supply of goods or materials to a contractor for work for which the corporation pays or is liable directly or indirectly to pay, or which is subject to the control or supervision of the council or of an officer thereof on behalf of the council, or who has an unsatisfied claim for such goods or materials, and no person who either by himself or with or through another, has any claim, action or proceeding against the municipality, and no person who is counsel or solicitor either by himself or with or through another in the prosecution of any claim, action or proceeding against a municipality, shall be qualified to be a member of the council of any municipal corporation. R. S. O., 1897, c. 223, s. 80 (1); 2 Edw. VII. c. 29, s. 5 Persons disqualified from being members of councils.

(2) But no person shall be held disqualified from being elected a member of the council of any municipal corporation,

(a) By reason of his being a shareholder in any incorporated company having dealings or contracts with the council of any such municipal corporation, or by reason of his having a lease for twenty-one years or upwards, of any property from the corporation: but no such leaseholder shall vote in the council on any question affecting any lease from the corporation, and no such shareholder on any question affecting the company; Proviso: as to shareholders in companies having dealings with corporations. And lessees for 21 years from corporation

(b) Or by reason only that a part of his property is exempt from taxation, if he is assessed for sufficient other property Exemption from taxation not to dis-



qualify for election to councils.

property in the municipality, liable to taxation to qualify him for such office; or by reason of any such exemption being founded on any contract or agreement made between him and the council of any such municipal corporation with respect to such exemption; but no such person shall vote on any question affecting the property so exempt from taxation. R. S. O., 1897, c. 223, s. 80 (2); 3 Edw. VII. c. 18, s. 17.

Certain persons not qualified to be county councillors.

**81.** Any person having the necessary qualification and not otherwise disqualified, who is a member of a local municipal council for the year in which nominations are held for the election of members of the county council, shall be eligible for nomination and election as a member of the county council at such election; but no member of the council of a local municipality shall sit or vote as a county councillor. R. S. O., 1897, c. 223, s. 81. 3 Edw. VII. c. 18, s. 18.

Candidates for county council not eligible for local councils.

**82.** No person who has been nominated and is a candidate for election as a county councillor in any county council division shall, while he remains a candidate as aforesaid, be eligible for nomination or election as a member of the council of any local municipality. R. S. O., 1897, c. 223, s. 82.

Contracts by members with the municipality to be held void in any action thereon.

**83.** In case a member of the council of any municipality, either in his own name or in the name of another, and either alone or jointly with another, enters into a contract of any kind, or makes a purchase or sale in which the municipality is a party interested, the contract, purchase or sale shall be held void in any action thereon against the municipality. R. S. O., 1897, c. 223, s. 83.

### DIVISION III.—EXEMPTIONS.

Exemptions.

**84.** All persons over sixty years of age, all members and officers of the Legislative Assembly of Ontario, and of the Senate or House of Commons of Canada, all persons in the civil service of the Crown, all Judges not disqualified by section 80, all coroners, all persons in priests' orders, clergymen and ministers of the Gospel of every denomination, all members of the Law Society of Upper Canada, whether barristers or students, all solicitors in actual practice, all officers of Courts of Justice, all members of the medical profession, whether physicians or surgeons, all professors, masters, teachers and other members of any university, college, or school in Ontario, and all officers and servants thereof, all millers, and all firemen belonging to an authorized fire company—are exempt from being elected or appointed members of the council of any municipal corporation, or to any other municipal office. R. S. O., 1897, c. 223, s. 84. *See also as to Firemen, R. S. O., 1897, Cap. 231, secs. 2-4.*

PART



## PART III.

## MUNICIPAL ELECTIONS.

## TITLE I.—ELECTORS.

## TITLE II.—ELECTIONS.

## TITLE I.—ELECTORS.

## DIVISION I.—QUALIFICATION.

*At elections of county councillors. Sec. 85.*

*Freeholders, tenants, income voters or farmers sons. Sec. 86.*

*Amount of rating requisite. Sec. 87.*

*Persons in default for non-payment of taxes. Sec. 88.*

*Elector must be named on voters' list. Sec. 89.*

*In new municipality having no assessment roll. Sec. 90.*

*Where new territory added. Sec. 91.*

*Joint or several rating on same property. Secs. 92, 93.*

**85.** The persons qualified to vote at the elections of county councillors shall be the persons qualified to vote at the elections of members of the council of the local municipality and all local municipal clerks, and no others. R.S.O., 1897, c. 223, s. 85. Qualification of voters at elections of county councillors.

**86.**—(1) Subject to the provisions of the next following seven sections the right of voting at municipal elections shall belong to the following persons, being men, or unmarried women, or widows, of the full age of twenty-one years, and subjects of His Majesty by birth or naturalization, and being rated, to the amount hereinafter provided, on the revised assessment roll of the municipality upon which the voters' list used at the election is based, for real property held in their own right (or, in the case of married men, held by their wives, or for income, and having received no reward, and having no expectation of reward, for voting : Qualification of electors.

*Firstly.* All persons, whether resident or not, who are in their own right, or whose wives are, at the date of the election, freeholders of the municipality ; Freeholders.

*Secondly.* All residents of the municipality, who have resided therein for one month next before the election, and who are, or whose wives are, at the date of the election, tenants in the municipality ; tenants.

*Thirdly*

Income voters. *Thirdly.* All residents of the municipality at the date of the election, who are rated on the last revised assessment roll thereof, in respect of an income from some trade, office, calling or profession, of not less than \$400, and have received such income during the twelve months before the date of the final revision and correction of the assessment roll or for twelve months prior to the last day for making complaint to the county judge under *The Voters' Lists Act*, and have since the said date continuously resided in the municipality;

Rev.Stat. c. 7. Farmers' sons. *Fourthly.* All residents of the municipality at the date of the election, who are farmers' sons, and have resided in the municipality, on the farm of their father or mother, for twelve months next prior to the date of the final revision and correction of the assessment roll or for twelve months prior to the last day for making complaint to the county judge under *The Voters' Lists Act*.

When more than one son is resident. (a) If more sons than one are so resident, and if the farm is not rated and assessed at an amount sufficient, if equally divided between them, to give a qualification to vote to the father and all the sons where the father is living, or to the sons alone where the father is dead and the mother is a widow, then the right to vote shall belong to, and be the right only of, the father and the eldest or such of the elder of said sons, to whom the amount at which the farm is rated and assessed will, when equally divided between them, give the qualification to vote.

Where father living and assessment not sufficient to qualify more than one. (b) If the amount at which the farm is so rated and assessed is insufficient, if equally divided between the father, if living, and one son, to give to each a qualification to vote, then the father shall be the only person entitled to vote in respect of such farm.

Temporary absence. (c) Occasional or temporary absence from the farm for a time or times not exceeding in the whole six months of the twelve hereinbefore mentioned, shall not operate to disentitle a farmer's son to vote. R. S. O., 1897, c. 223, s. 86 (1); 62 V. (2) c. 26, s. 8 (1), (2).

Interpretation.

(2) In this section:

"Farm" shall mean land actually occupied by the owner thereof, and not less in quantity than twenty acres;

"Son" or "sons" or "farmer's son" or "farmers' sons" shall mean any male person or persons not otherwise qualified to vote, and being the son or sons, stepson or stepsons of the owner and actual occupant of a farm;

"Father" shall include stepfather, and "mother" shall include stepmother.

"Election"

“ Election ” shall mean an election of a member of a municipal council ;

“ To vote ” shall mean to vote at an election ; and

“ Owner ” shall mean a person who is proprietor in his own right, or whose wife is proprietor in her own right, of an estate for life, or any greater estate, either legal or equitable ; except where the owner is a widow, in which case the word “ owner ” shall mean proprietor in her own right of any such estate. R. S. O. 1897, c. 223, s. 86 (2) ; 62 V. (2), c. 26, s. 8 (3).

(3) Any leaseholder the term of whose lease is not less than five years, shall be deemed an owner within the meaning of this section. R. S. O., 1897, c. 223, s. 86 (3).

87. In order to entitle a person to vote as aforesaid in respect of real property, such property, whether freehold or leasehold or partly each, must be rated at an actual value of not less than the following : Amount of rating necessary.

In townships and villages . . . . .	\$100
In towns where the population does not exceed 3,000 ..	\$200
In towns with a population of over 3,000 . . . . .	\$300
In cities . . . . .	\$400

The population shall be determined by reference to the latest annual enumeration by the assessors. R. S. O., 1897, c. 223, s. 87.

88. No person who has been returned by the treasurer or collector under section 137 as in default for non-payment of his taxes on or before the 14th day of December next preceding any election, shall be entitled to vote in respect of income in any municipality, or in respect of real property in municipalities which have passed by-laws under subsection 1 of section 535 ; but any person who is entitled to vote, and who at the time of the tendering of his vote produces and leaves with the deputy-returning officer a certificate from the treasurer of the municipality, or the collector of taxes, shewing that the taxes, in respect of which the default had been made, have since been paid, shall be entitled to vote ; and the deputy-returning officer shall file the certificate, receive the vote, and note the same on the defaulters' list. R. S. O., 1897, c. 223, s. 88. Persons in default for non-payment of taxes not to vote.

89. Except in the case of a new municipality for which there is no assessment roll, no person shall be entitled to vote at any election, unless he is one of the persons named or intended to be named in the proper list of voters ; and no question of qualification shall be raised at any election, except to ascertain whether the person tendering his vote is the person intended to be designated in the list of voters. R.S.O., 1897, c. 223, s. 89. Elector must be named in voters' list.  
  
No question of qualification to be raised.

In newly erect-  
ed municipali-  
ties not having  
any assessment  
roll.

**90.** At the first election in a new municipality for which there is no separate assessment roll, every resident male inhabitant, though not previously assessed, shall be entitled to vote if he possesses the other qualifications above mentioned, and has at the time of the election sufficient property to have entitled him to vote if he had been rated for such property. R.S.O., 1897, c. 223, s. 90.

Where new  
territory  
added to city,  
town or vill-  
age, or a new  
city, town or  
village erected  
with added  
territory, and  
no voters' lists  
including such  
new territory.

**91.** Where any territory is added for municipal purposes to any city, town or village, or where a town with additional territory is erected into a city, or a village with additional territory is erected into a town, or in case a new village is formed, and an election takes place before voters' lists including the names of the persons entitled to vote in such territory are made out for such new or enlarged city, town or village, or before such lists are certified by the County Judge, then all persons who would have been qualified as electors in such territory if the same had remained separate from the city, town or village, or if the town or village had not been erected into a city or town, or if the village had not been formed, shall be entitled to vote in the city, town or village at such election. R.S.O., 1897, c. 223, s. 91.

If owner and  
occupant sever-  
ally rated  
both to be  
deemed rated.

**92.** In case both the owner and occupant of any real property are severally but not jointly rated therefor, both shall be deemed rated within this Act. R. S. O., 1897, c. 223, s. 92.

When joint  
owners or oc-  
cupants rated,  
rating to be  
equally  
divided.

**93.** Where real property is owned or occupied jointly by two or more persons, and is rated at an amount sufficient, if equally divided between them, to give a qualification to each, then each shall be deemed rated within this Act, otherwise none of them shall be deemed so rated. R.S.O., 1897, c. 223, s. 93.

## TITLE II.—ELECTIONS.

DIV. I.—TIME AND PLACE OF HOLDING.

DIV. II.—RETURNING OFFICERS AND DEPUTY-RETURNING OFFICERS.

DIV. III.—OATHS.

DIV. IV.—PROCEEDINGS PRELIMINARY TO THE POLL.

DIV. V.—THE POLL.

DIV. VI.—MISCELLANEOUS PROVISIONS.

DIV. VII.—VACANCIES IN COUNCIL.

DIV. VIII.—CONTROVERTED ELECTIONS.

DIV. IX.—PREVENTION OF CORRUPT PRACTICES.

DIVISION



## DIVISION I.—TIME AND PLACE OF HOLDING.

*In counties. Sec. 94.*

*In municipalities other than counties. Sec. 95.*

*In new or altered municipalities. Sec. 96.*

*Places, how fixed. Sec. 97.*

*In separated townships. Secs. 98.*

*Re-division of towns or cities into wards. Sec. 102, 103.*

*Where elections shall be held. Secs. 104, 105.*

**94.** The election of county councillors shall be held in alternate years, but upon the days and at the time fixed by law for the annual municipal elections for members of the councils of the local municipalities. R. S. O., 1897, c. 223, s. 94.

Election county councillors to be held in alternate years.

**95.** The electors of every municipality (except a county) shall elect annually, on the first Monday in January, the members of the council of the municipality, except such members as have been elected at the nomination; and the persons so elected shall hold office until their successors are elected or appointed or sworn into office, and the new council is organized. R. S. O., 1897, c. 223, s. 95.

Elections for local councils to be held annually.

Term of office.

**95a.** In cities having a population of over 100,000 inhabitants, the council thereof may, by by-law to be passed not later than the 15th day of November in any year, enact that the meeting of electors for the nomination of candidates for the offices of Mayor, Aldermen and Public School Trustees, shall be held on the 23rd day of December except where the said 23rd day of December falls on a Sunday, in which case the nomination shall be held on the following day, and that the election of Mayor, Aldermen and Public School Trustees in such municipality (except such members as have been previously elected) shall be held on the 1st day of January next thereafter, except where the 1st day of January falls on a Sunday, in which case the election shall be held on the following day. 3 Edw. VII. c. 18, s. 19.

By-laws for holding nominations on 23rd December and elections on New Year's Day, in certain cities.

**96.** In case of the incorporation of a new township or union of townships; or of the separation of a junior township from a union of townships; or of the erection of a locality into an incorporated village; or of the erection of a village into a town, or of a town into a city; or of a tract of land being added to a village, town or city; or in case of a new division into wards of a town or city—the first election, under the proclamation or by-law by which the change was effected, shall take place on the first Monday in January next after the date of the proclamation, or after the passing of the by-law by which the change is made; but the nomination of candidates, and the election of such as are unopposed, may, and shall be proceeded with at the same time and in the same manner as if the change had gone into effect on the last Monday of the month of December preceding such first

First elections where corporations are newly erected or extended.

Times of elections.

first election, or on such other day as the nominations may lawfully be held upon. R. S. O., 1897, c. 223, s. 96.

Places to be fixed by by-law of municipality.

**97.** The council of every city, town and village (including a village newly erected into a town, and a town newly erected into a city), shall, from time to time, by by-law, appoint the place or places for holding the next ensuing municipal election, otherwise the election shall be held at the place or places at which the last election for the municipality or for the ward or polling subdivision was held. R. S. O., 1897, c. 223, s. 97.

County council to make provision for first election in junior townships.

**98.** When in any year a junior township of a union has 100 resident freeholders and tenants on the then last revised assessment roll, the council of the county shall, by a by-law to be passed before the thirty-first day of October in the same year, fix the place for holding the first annual election of councillors in the township, appoint a returning officer for holding the same, and otherwise provide for the due holding of the election according to law. R. S. O., 1897, c. 223, s. 98.

[*Rev. Stat., c. 223, s. 99, repealed by 3 Edw. VII. c. 18, s. 20. Councillors in townships are no longer elected by wards.*]

[*Rev. Stat. c. 223, ss. 100, 101, repealed by 62 V. (2) c. 26, s. 8 (4).*]

New division of wards in cities and towns.

**102.** In case two thirds of the members of the council of a city or town do, in council, before the 15th day of July in any year, pass a resolution affirming the expediency of a new division into wards being made of the city or town or of a part of the same, either within the existing limits or with the addition of any part of the localities adjacent, which, from the proximity of streets or buildings therein, or the probable future exigencies of the city or town, it may seem desirable to add thereto respectively, the Lieutenant-Governor may, by proclamation, divide the city or town or such part thereof, and with or without such addition, into wards, as may seem expedient. R. S. O., 1897, c. 223, s. 102.

Extension of city or town

[*Rev. Stat., c. 223, s. 103, repealed by 3 Edw. VII. c. 18, s. 21, related only to the City of Toronto, and dealt with matters which are more properly the subject for special legislation.*]

Election to be held in municipality.

**104.** Every election shall be held in the municipality to which the same relates. R. S. O., 1897, c. 223, s. 104.

Election of township councillors.

**105.** No election for any municipality, or for any ward thereof, shall be held in a tavern or in a house of public entertainment licensed to sell spirituous or fermented liquors. R. S. O. 1897, c. 223, s. 105 ; 3 Edw. VII. c. 18, s. 22.

DIVISION

## DIVISION II.—RETURNING OFFICERS AND DEPUTY-RETURNING OFFICERS.

*When election by polling subdivisions. Sec. 106.*

*When not. Sec. 107.*

*Death or absence, provision for. Sec. 108.*

*Authority of. Secs. 109, 110.*

*Special constables. Sec. 110.*

*Elections to county councils. Sec. 111.*

**106.**—(1) The council of every local municipality in which the election is to be made by wards or polling subdivisions, shall from time to time, by by-law, appoint:

By-law for an election by wards or polling subdivisions.

- (a) The places for holding the nominations for each ward;
- (b) The returning officers who shall respectively hold the nominations for each ward;
- (c) The places at which polls shall be opened in the municipality in case a poll is required;
- (d) The deputy-returning officers who shall preside at the respective polling places.

(2) The clerk of the municipality shall be the returning officer for the whole municipality; and in case a poll is required, the deputy-returning officers shall make to him the returns for their respective wards or polling subdivisions.

Clerk of municipality to be returning officer for whole municipality.

**107.** In the case of a local municipality in which the election is not to be by wards or polling subdivisions, the clerk shall be the returning officer to hold the nomination of candidates at all elections after the first, and he shall also perform all the duties hereinafter mentioned assigned to deputy-returning officers. R. S. O. 1897, c. 223, s. 107.

Returning officer for elections not by wards or polling subdivisions.

**108.**—(1) In any case where the returning officer for any ward refuses or neglects to attend at the time and place required by the clerk to receive his instructions and nomination papers, and in any case where a deputy-returning officer refuses or neglects to attend at the time and place at which he is required by the returning officer to attend to receive his voters' lists, and other election papers, the clerk of the municipality as returning officer shall appoint another person to act in his place and stead; and the person so appointed shall have all the powers and authority which he would have had if he had been appointed by by-law.

Refusal or neglect of returning officer or deputy returning officer to perform his duties.

(2) In case, at the time appointed for holding a nomination or poll, the person appointed to be returning officer or deputy-returning officer has died, or does not attend to hold the nomination or poll within an hour after the time appointed, or in case no returning officer or deputy-returning officer has been appointed, the electors present at the place for holding the nomination or poll may choose from amongst themselves a

Where returning officer or deputy has died or does not attend at nomination.



returning officer or deputy-returning officer; and such returning officer or deputy-returning officer shall have all the powers, and shall forthwith proceed to hold the nomination or poll, and perform all the other duties of a returning officer or deputy-returning officer.

Where returning officer or deputy is unable to perform his duties.

(3) In case, during the polling, the returning officer or the deputy-returning officer at any polling place becomes unable, through illness or other cause, to perform his duties, the poll clerk at such polling place shall act as returning officer, or deputy-returning officer, as the case may be; and he shall perform all the duties of a returning officer or deputy-returning officer, and may appoint some other person to act as poll clerk. R. S. O. 1897, c. 223, s. 108.

Returning officers and deputy returning officers to be conservators of the peace; their powers.

**109.** Every returning officer and deputy-returning officer shall, during the day of the election, or of the voting of electors upon a by-law, act as a conservator of the peace for the city or county in which the election or voting is held; and he, or any Justice of the Peace having jurisdiction in the municipality in which the election or voting is held, may cause to be arrested, and may summarily try, and may punish by fine or imprisonment, or both, or may imprison or bind over to keep the peace, or for trial, any riotous or disorderly person, who assaults, beats, molests or threatens any voter coming to, or remaining at, or going from the election or voting; and, when thereto required, all constables and persons present at the election or voting, shall assist the returning officer, or deputy-returning officer, or Justice of the Peace. R. S. O. 1897, c. 223, s. 109.

Special constables may be sworn in.

**110** Every returning officer, or deputy-returning officer or Justice of the Peace may appoint and swear in any number of special constables to assist in the preservation of the peace and of order at an election or at the voting of electors upon a by-law; and any person liable to serve as constable, and required by a returning officer or deputy-returning officer, or justice, to be sworn in as a special constable, shall, if he refuses to be sworn in or to serve, be liable to a penalty of \$20, to be recovered to the use of any one who will sue therefor. R. S. O. 1897, c. 223, s. 110.

Holding election of county councillors where all members of local council elected by acclamation.

**111.** The council of any local municipality in which the election of any member or members of the county council is to be held, and (in case of the election of all the members of the council of the local municipality by acclamation), the clerk of such municipality and any other officer thereof shall, nevertheless, so as to enable the election for county councillors to be held, do all things and take all proceedings which would have been necessary, and in the manner by law provided, that is to say, provide polling places, furnish the necessary and proper voters' lists and poll books, appoint deputy-returning officers and other necessary officers, and do any and all other matters and things which would have been necessary and



proper to be done had the members of the council of such local municipality not been elected by acclamation; and every returning officer and deputy-returning officer so appointed shall have all the powers, rights and authorities respecting the election of county councillors, which returning officers and deputy-returning officers have respecting the election of the members of local municipal councils, and shall perform all the like or similar duties which such officers are required to perform under this Act, where an election is being held for the members of the council of a local municipality. R. S. O. 1897, c. 223, s. 111. *See also sec. 142.*

### DIVISION III.—OATHS.

*Of freeholder. Sec. 112.*

*Of tenant. Sec. 113.*

*Of income voter. Sec. 114.*

*Of farmer's son. Sec. 115.*

*Voter may select form of oath. Sec. 116.*

*Administering oaths. Sec. 117.*

**112.** The only oaths or affirmations to be required of a person claiming to vote in respect of a freehold, shall be as follows, or to the like effect:

Oaths, etc., of person claiming to vote as a freeholder.

You swear (or solemnly affirm) that you are the person named, or intended to be named, in the list (or supplementary list) of voters now shewn to you (shewing the list to the voter);

(In the case of an unmarried woman or widow claiming to vote.) That you are unmarried (or a widow, as the case may be.)

That at the date of this election you are in your own right (or your wife is) a freeholder within this polling sub-division (or where the ward is not sub-divided into polling sub-divisions then "within this ward") in this municipality.

That you are a natural born (or naturalized) subject of His Majesty and of the full age of twenty-one years;

(In the case of municipalities not divided into wards.) That you have not voted before at this election, either at this or any other polling place.

(In the case of municipalities divided into wards) That you have not voted before at this election either at this or any other polling place in this ward, and (if the elector is tendering his vote for mayor, or reeve) that you reside in this polling sub-division (or when ward not sub-divided into polling sub-divisions then 'in this ward' or are not entitled to vote in the polling sub-division in which you reside, or are not resident within the municipality as the case may be) and that you have not voted before or elsewhere at this election in this municipality for mayor, (or reeve), and will not vote elsewhere in this municipality at this election, for mayor, (or reeve).

That you have not directly or indirectly received any reward or gift, nor do you expect to receive any, for the vote which you tender at this election;

That you have not received anything, nor has anything been promised to you, directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected with this election;

And

And that you have not directly or indirectly paid or promised anything to any person either to induce him to vote or to refrain from voting at this election :

So help you God.

In new municipality where no assessment roll.

*(In the case of a new municipality in which there has not been any assessment roll, then instead of referring to the list of voters, the person offering to vote may be required to state in the oath the property in respect of which he claims to vote.)*

R. S. O. 1897, c. 223, s. 112.

Oath of tenant.

**113.** The oath or affirmation to be required of a person claiming to vote as tenant, shall be as follows or to the like effect :

You swear (or solemnly affirm) that you are the person named, (or intended to be named,) in the list (or supplementary list) of voters now shown to you (showing the list to the voter) :

*(In the case of an unmarried woman or widow claiming to vote.)* That you are unmarried (or a widow, as the case may be ;)

That you were (or your wife was) actually, truly and in good faith possessed to your (or her) own use and benefit as tenant, of the real estate in respect of which your name is entered on the said list.

That you are (or your wife is) a tenant within this municipality.

That you have been resident within this municipality for one month next before this election ;

That you are a natural-born (or naturalized) subject of His Majesty, and of the full age of twenty-one years ;

*(In the case of municipalities not divided into wards.)* That you have not voted before at this election, either at this or any other polling place ;

*(In the case of municipalities divided into wards)* That you have not voted before at this election either at this or any other polling place in this ward, and (if the elector is tendering his vote for mayor, or reeve) that you reside in this polling sub-division (or where ward not sub-divided into polling sub-divisions then 'in this ward' or are not entitled to vote in the polling sub-division in which you reside or as the case may be and that you have not voted before or elsewhere in this municipality at this election for mayor, (or reeve), and will not vote elsewhere in this municipality at this election for mayor (or reeve).

That you have not, directly or indirectly, received any reward or gift, nor do you expect to receive any, for the vote which you tender at this election ;

That you have not received anything, nor has anything been promised to you directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected with this election ;

And that you have not directly or indirectly paid or promised anything to any person either to induce him to vote or to refrain from voting at this election ;

So help you God.

*(In the case of a new municipality in which there has not been any assessment roll, then, instead of swearing to residence for one month next before the election, and referring to the list of voters, the person offering to vote may be required to state in the oath the property in respect of which he claims to vote, and that he is a resident of the municipality.)*

R. S. O. 1897, c. 223, s. 113 ; 62 V. (2) c. 26, s. 8 (5).

**114.** The oath or affirmation to be required of a person claiming to vote in respect of income shall be as follows: Oath of income voter.

You swear (or solemnly affirm) that you are the person named (or intended to be named by the name of \_\_\_\_\_) in the list (or supplementary list) of voters now shewn to you (*showing the list to the voter*);

(*In the case of a widow or unmarried woman claiming to vote.*) That you are unmarried (or a widow, as the case may be);

That \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_  
(*The day certified by the clerk as the date of the final revision and correction of the assessment roll upon which the voters' list used at the election is based, or, at the option of the voter, the day certified by the clerk as the last day for making complaint to the county judge with respect to such voters' list*) you were, and thenceforward have been continuously, and still are, a resident of this municipality.

That at the said date, and for the twelve months previously, you were in receipt of an income from your trade (office, calling, or profession, as the case may be) of a sum of not less than \$400.

That you are a subject of His Majesty by birth (or naturalization, as the case may be); and are of the full age of twenty-one years;

(*In the case of municipalities not divided into wards.*) That you have not voted before at this election, either at this or any other polling place;

(*In the case of municipalities divided into wards.*) That you have not voted before at this election, either at this or any other polling place in this ward, and (if the elector is tendering his vote for mayor, or reeve that you have not voted before or elsewhere in this municipality at this election for mayor (or reeve);

That you have not received anything, nor has anything been promised you, either directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected with this election:

And that you have not, directly or indirectly, paid or promised anything to any person, either to induce him to vote or to refrain from voting at this election:

So help you God.

R. S. O. 1897, c. 223, s. 114; 62 V. (2) c. 26, s. 8 (6).

**115.** The oath or affirmation to be required from a farmer's son claiming to be entitled to vote shall be as follows: Oath of farmer's son.

You swear (or solemnly affirm) that you are the person named (or intended to be named by the name of \_\_\_\_\_) in the list (or supplementary list) of voters now shewn to you (*showing the list to the voter*);

That on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_  
(*the day certified by the clerk as the date of the final revision and correction of the assessment roll upon which the voters' list used at the election is based, or, at the option of the voter, the day certified by the clerk as the last day for making complaint to the county judge with respect to such voters' list*) A. B. (*naming him or her*), was actually, truly, and in good faith possessed to his (or her) own use and benefit as owner, (or as tenant under a lease the term of which was not less than five years) as you verily believe, of the lands in respect of which your name is so as aforesaid entered on said list of voters.

That you are a son (or stepson) of the said A. B.

That you resided on the said property for twelve months next before the said day, not having been absent during that period, except temporarily, and not more than six months in all.

That

That you are still a resident of this municipality, and entitled to vote at this election ;

That you are a subject of His Majesty by birth (or naturalization as the case may be) ; and are of the full age of twenty-one years ;

*In the case of municipalities not divided into wards.)* That you have not voted before at this election, either at this or any other polling place ;

*(In the case of municipalities divided into wards.)* That you have not voted before at this election, either at this or any other polling place in this ward, and *(if the elector is tendering his vote for mayor or reeve)* that you have not voted before or elsewhere in the municipality at this election for mayor (or reeve) ;

That you have not received anything, nor has anything been promised you, directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected with this election ;

And that you have not directly or indirectly paid or promised anything to any person, either to induce him to vote or to refrain from voting at this election ;

So help you God.

R. S. O. 1897, c. 223, s. 115 ; 62 V. (2) c. 26, s. 8 (7).

Voter may  
select any  
form of oath.

**116.** The voter shall be entitled to select for himself for that purpose any one of the forms contained in sections 112 to 115 both inclusive, whatever may be the description either in the voter's list or assessment roll as to the qualification or character in respect of which he is entered upon the list or roll. R. S. O. 1897, c. 223, s. 116.

When and  
how oaths  
are to be  
administered

**117.** Such oaths or affirmations may be administered by the returning officer or deputy-returning officer, as the case may be, if he shall think proper, and shall be administered at the request of any candidate or his authorized agent, and no inquiries shall be made of any voter, except with respect to the facts specified in such oaths or affirmations. 3 Edw. VII. c. 18, s. 23.

#### DIVISION IV.—PROCEEDINGS PRELIMINARY TO THE POLL.

*Nomination meetings.* Secs. 118-123, 130.

*Provision for Christmas Day.* Sec. 124.

*Interval between nomination and election in townships.* Sec. 125.

*Notice of nomination.* Sec. 127.

*Proceedings at nomination.* Sec. 126, 128.

*Poll, when and where to be held.* Sec. 128.

*Resignations of candidates nominated.* Secs. 129-131.a

*Elections to county councils.* Sec. 132, 135.

*Votes to be given by ballot.* Sec. 136.

*List of defaulters in payment of taxes.* Sec. 137.

*Ballot boxes.* Sec. 138.

*Ballot papers.* Secs. 139-141.

*In elections to county councils.* Sec. 142.

*Forms*



*Forms.* Sec. 143.

*Polling places.* Secs. 144, 145.

*Ballot papers, voters' lists, etc., to be furnished to deputy returning officers.* Secs. 144, 146, 149, 151, 152, 156.

*Directions to voters.* Secs. 146, 147.

*Voters' and defaulters' lists'.* Secs. 148-155.

*Certificates as to the assessment roll.* Sec. 156.

*In municipalities not divided into wards, clerk to perform duties of deputy returning officer.* Sec. 157.

*Where electors may vote.* Secs. 158-160.

*Penalty for voting more often than entitled.* Sec. 162.

*Certificate to entitle officers and agents to vote where stationed.* Sec. 163.

**118**—(1) Subject to the provisions of sections 119*a* and 120 of this Act, a meeting of the electors shall take place for the nomination of candidates for the offices of mayor in cities and towns at the hall of the municipality, on the last Monday in the month of December, annually, at ten of the clock in the forenoon. R. S. O., 1897, c. 223, s. 118 (1); 62 V. (2) c. 26, s. 9 (1). Meeting for nomination of mayor, reeve, deputy-reeves etc.

(2) The council of any town divided into wards may, by by-law, provide that the nomination for councillors for the several wards shall be held at the same time and place as the nomination for mayor. R. S. O., 1897, c. 223, s. 118 (2); 62 V. (2), c. 26, s. 9 (2). Nomination of councillors in towns.

(3) Where no such by-law is passed, the nomination of councillors in such town shall take place as provided by section 119 of this Act.

(4) The clerk of the municipality shall be the returning officer to preside at such meeting, or in case of his absence, or probable absence, the council shall appoint a person to preside in his place; and if the clerk or the person so appointed does not attend, the electors present shall choose from among themselves a chairman, and such clerk or chairman shall have all the powers of a returning officer. R. S. O., 1897, c. 223, s. 118 (3) (4). The clerk to preside.  
Chairman.

**119.** Save as otherwise provided by sections 120 and 122, a meeting of the electors shall take place for the nomination of the candidates for the offices of aldermen or councillors to be elected by general vote in cities and towns, and of reeves and councillors in villages and townships at noon, on the last Monday in December annually, at the hall of the municipality, or at such place therein, and in cities and towns in which the aldermen or councillors or any of them are elected by wards at the said hour and on the said day and at such places in each ward thereof, as may from time to time be fixed by by-law, subject, in the case of townships, to the provisions of section 123. R. S. O., 1897, c. 223, s. 119; 62 V. (2) c. 26, s. 9 (3); 1 Edw. VII., c. 26, s. 6. Meetings in cities, towns, etc., for nomination of aldermen etc.,

**119*a*.** In cities having a population of 100,000 inhabitants, or more the council thereof may by by-law to be passed not later Date of nomination in cities of 100,000.

later than the 15th November in any year, enact that the meeting of electors for the nomination of candidates for the office of mayor and aldermen shall be held on the Monday preceding the last Monday in December, and that the meeting of electors for the nomination of public school trustees shall be held on the last Monday in December. 2 Edw. VII., c. 29, s. 7.

Hour for holding nominations in cities, towns and villages.

**120.** Notwithstanding anything contained in sections 118 and 119 the hour for the nomination of candidates for the offices of aldermen in cities, may, in and by the by-law fixing the places for such nomination, be fixed at half-past seven o'clock in the evening, instead of at noon; and the council of any town or village may by by-law provide that the nomination for mayor or reeve and aldermen or councillors may be held at half past seven o'clock in the evening instead of the hours in the said sections mentioned. R. S. O., 1897, c. 223, s. 120; 62 V. (2) c. 26, s. 9 (4).

[*Rev. Stat. c. 223, s. 121 repealed by 62 V. (2) c. 26, s. 9 (5)*]

Nomination of reeve and councillors in townships.

**122.** The council of any township may by by-law provide that the nomination for reeve, and councillors may be held at one o'clock in the afternoon. 62 V. (2) c. 26, s. 9 (6).

Place of meeting for nomination of reeves, etc., of townships.

**123.** Where a township is so situate that the territory of such township adjoins the limits of any city, town or village, such city, town, or village may be designated by by-law as the place of meeting for the nomination of candidates for the offices of reeve and councillors, as the case may be. R. S. O., 1897, c. 223, s. 123; 62 V. (2) c. 26, s. 9 (7).

If nomination day falls on Christmas Day.

**124.** When the last Monday in December is Christmas Day, the nomination of candidates for the offices of mayor and aldermen in cities, and of mayor, reeve and councillors in other municipalities, shall take place on the preceding Friday, at the times and places and in the manner prescribed by law. R. S. O., 1897, c. 223, s. 124; 62 V. (2) c. 26, s. 9 (8).

County council may by by-law lengthen time between nomination and polling in townships.

**125.—(1)** Every county council may, by by-law, made on or before the 1st day of July in any year, provide that the day for the nomination of candidates for reeve and councillors in townships shall be the third Monday preceding the day for polling, but all the other provisions of law relating to municipal elections shall apply to the elections in such townships. R. S. O., 1897, c. 223, s. 125 (1); 62 V. (2) c. 26, s. 9 (9).

Copy of by-law to be sent to townships affected.

**(2)** Forthwith after the passing of such by-law, the county clerk shall transmit a copy thereof to the clerks of the townships to which the same relates. R.S.O., 1897, c. 223, s. 125 (2)

Presiding officer.

**126.** The returning officer appointed for each ward, as in section 106 mentioned, or the clerk (as the case may be), shall respectively preside at the meeting for the nomination of candidates

didates, and in case of the absence of such presiding officer, the meeting may choose a chairman who shall, in respect of the meeting, have all the powers of a returning officer. R. S. O., 1897, c. 223, s. 126.

**127.** The clerk or other returning officer whose duty it is to preside at the meeting for the nomination of candidates shall give at least six days' notice of such meeting. 55 V. c. 42. s. 115. Notice of nomination meeting.

**128.**—(1) At such meetings, the person or persons to fill each office shall be proposed and seconded *seriatim*, and every such nomination shall be in writing, shall state the full name, place of residence and occupation of the candidate, and shall be signed by his proposer and seconder, and be filed with the returning officer or the chairman within one hour from the time of opening of the meeting. R. S. O. 1897, c. 223, s. 128 (1); 2 Edw. VII, c. 29, s. 8. Nomination and proceedings incident thereto.

(2) If only one candidate for any particular office is proposed, the clerk or other returning officer or chairman shall, after the lapse of one hour from the time fixed for holding the meeting, declare the candidate duly elected for that office. Where only one candidate nominated.

(3) If more candidates are proposed for any particular office than are required to be elected, the clerk (or other returning officer or chairman) shall adjourn the proceedings for filling such office until the first Monday in January next thereafter, when (unless there is an election by acclamation by reason of the resignation of any candidate or candidates nominated, as in the next succeeding section provided) a poll or polls shall be opened in each ward or polling sub-division at such place or places respectively as have been fixed by the by-law of the said council for the election. R. S. O. 1897, c. 223, s. 128 (2), (3). In what cases poll to be held.

(4) The said poll or polls shall be so opened at nine of the clock in the morning, and shall continue open until five of the clock in the afternoon, and no longer. Provided, however, that in cities of over 100,000 inhabitants the council may by by-law to be passed before the fifteenth day of November in any year extend the time for holding the election until seven o'clock in the afternoon and no longer. R. S. O. 1897, c. 223, s. 128, (4); 61 V., c. 23, s. 6. Hours of polling.  
Poll open till 7 p. m. in cities of over 100,000.

**129.**—(1) The clerk or other returning officer or chairman shall, on the day of the nomination, post up in the office of the clerk of the municipality the names of the persons proposed for the respective offices. R.S.O., 1897, c. 223, s. 129 (1). Names of candidates to be posted up.

(2) At the nomination meeting or at any time before nine o'clock p. m. on the following day, or where such last named day is a public holiday, then before twelve o'clock noon of the succeeding day, any person proposed for one or more offices Resignation of person nominated.



offices may resign, or may elect for which office he is to remain nominated; and in default he shall be taken as nominated for the office in respect of which he was first proposed and seconded. R.S.O., 1897, c. 223, s. 129 (2); 62 V. (2) c. 26, s. 10.

Resignations  
to be in writ-  
ing.

(3) The resignation after the nomination meeting of any person so proposed shall be in writing, signed by him and attested by a witness, and shall, within the time hereinbefore mentioned, be delivered to the clerk of the municipality. R. S. O., 1897, s. 223, s. 129 (3).

*Amended*  
*4 Edw 7*  
*c. 22*  
*Sec. 4.*  
Candidates to  
file declara-  
tion of quali-  
fication.

(3a) In cities ~~having~~ *incorporated villages* a population of more than 30,000 every candidate shall on the day of the nomination or at any time before nine o'clock in the afternoon on the following day, or when such last named day is a holiday, then before ~~five o'clock in the afternoon~~ *five o'clock in the morning* of the succeeding day, file in the office of the clerk of the municipality a statutory declaration in accordance with the form contained in section 311 of this Act or to the like effect, that he possesses the necessary qualification for the office, and in default of his so doing such candidate shall be deemed to have resigned, and his name shall be removed from the list of candidates and shall not be printed on the ballot papers. 63 V. c. 33, s. 5; 3 Edw. VII. c. 18, s. 24.

Election by  
acclamation  
when other  
candidates  
retire.

(4) If by reason of any such resignation or resignations the number of candidates remaining proposed for any office does not exceed the number required by this Act to be elected for such office, then the clerk or other returning officer shall declare such remaining candidate or candidates duly elected to such office. R. S. O., 1897, c. 223, s. 129 (4).

Non-election  
of full council  
by reason of  
retirement of  
candidates.

**130.** In case, at an annual or other municipal election, the candidates, or any of them who are nominated, retire, and by reason of such retirement the requisite number of persons is not elected, then the members elected, if they equal or exceed the half of the council when complete, or a majority of such members, shall order a new election to be held in the manner provided by this Act to fill the vacancies so caused. R. S. O., 1897, c. 223, s. 130

Retirement  
by a majority  
of council.

**131.** In case, by reason of such retirement, less than half the members of council are elected, the clerk (as returning officer), shall cause a new election to be held in the manner provided by this Act; and until such election is held, and the council elected, the council of the preceding year shall continue in office, and may do, or cause to be done, all such acts as a council duly elected for that year might lawfully do. R. S. O., 1897, c. 223, s. 131; 3 Edw. VII. c. 18, s. 25, (1).

New election,  
when to be  
held.

**131a.**—In cases arising under the two last preceding sections the new election shall be held as soon as practicable. 3 Edw. VII. c. 18, s. 25 (2).

County  
Council elec-  
tions,

**132.**—(1) In every year before that in which an election for county councillors is to be held, the county council shall appoint for each county council division, a "nominating officer,"



officer," who shall act as such until his successor is appointed. Nominating officer.  
 R. S. O., 1897, c. 223, s. 132 (1).

(2.) His duties shall be, in every year before an election of His duties.  
 county councillors is to be held, or before a vacancy is to be filled,

- (a) To fix a place within the county council division Place for nomination of county councillors.  
 for holding the nomination, between the hours of one and two o'clock in the afternoon, and to give under his hand, notice of such nomination and of the election, by advertisement in two weekly newspapers in the county, to be published for at least two successive weeks prior to such nomination day, or by giving sufficient public notice thereof by printed posters; provided that the said nominating officer, in case there is, in his opinion, no suitable place within the county council division at which to hold the nomination, may name some place within a city, town or village adjacent to the county council division in which the election is to held.
- (b) To attend at the day and place appointed for such Attendance at nomination.  
 nomination and to perform the duties (so far as applicable) which the clerk of a local municipality is required to perform as returning officer at the nomination for an election in a local municipality.
- (c) In case at the time appointed for holding the nomination, the nominating officer has died, or does not attend to hold such nomination, the electors present for the purpose of holding a nomination may choose from amongst themselves a nominating officer who shall have all the powers and perform all the duties of such nominating officer. Proceedings when nominating officer has died or does not attend.  
 R. S. O., 1897, c. 223, s. 132 (2); 61 V. c. 23, s. 7.

**133.** The nomination day for elections to county councils shall be Monday in the week which precedes the week before polling day. Nomination day.  
 R. S. O., 1897, c. 223, s. 133.

**134.** If upon the day and at the hour appointed for the nomination there are not more candidates nominated for any county council division than are required to be elected for such division, the nominating officer shall thereupon declare elected the candidate or candidates duly nominated, and shall thereupon prepare, and upon the same day mail to the county clerk, by registered letter with postage prepaid, a certificate under his hand of such election by acclamation; but if more candidates are nominated than are required to be elected in any county council division the nominating officer shall, immediately after the lapse of the time in which candidates may withdraw from nomination, certify to the county clerk the facts, with the names and addresses of those remaining in nomination. Election by acclamation.  
 R. S. O., 1897, c. 223, s. 134.

Resignations.

**135.**—(1) Any person nominated for election to a county council may resign either at the nomination meeting or during the following day. If such resignation is after the meeting, it shall be signed and witnessed in the manner prescribed for resignations under section 129 of this Act, and shall be forthwith delivered to the nominating officer.

(2) If by reason of any such resignation or resignations the number of candidates remaining does not exceed that of the offices to be filled, the nominating officer shall certify such candidates as duly elected. R. S. O., 1897, c. 223, s. 135.

*Votes to be given by Ballot.*

Votes to be by ballot.

**136.** In case of a poll at an election of persons to serve in municipal councils, the votes shall be given by ballot. R. S. O., 1897, c. 223, s. 135.

*List of Defaulters in payment of Taxes.*

Preparation of list of defaulters.

**137.**—(1) On or before the last Monday in December the treasurer of each local municipality shall, if the collectors' roll has been returned to him, prepare and verify on oath, or, if the collector's roll has not been so returned, the collector shall prepare and verify on oath, a correct alphabetical list of—

(a) All persons who, being on the voters' list (that is to say, the first and second parts thereof) in respect of their income only, have not paid their municipal taxes on such income on or before the 14th day of December preceding the election; and,

(b) (In municipalities which have passed by-laws under sub-section 1 of section 535 of this Act), all persons on the voters' list (that is to say, the first and second parts thereof), who have been assessed for real property, but have not paid their municipal taxes on such property on or before the 14th day of December preceding the election.

List to be made for each polling sub-division.

(2) Where a municipality is divided into polling subdivisions, such a defaulters' list shall be made for each polling subdivision.

Certified copies to be furnished.

(3) The person preparing the said defaulters' lists, shall furnish to all persons applying for the same, certified copies thereof, and of the affidavit verifying the same, in the same manner and for the same compensation as copies of the voters' list are to be furnished. R. S. O., 1897, c. 223, s. 137.

*Ballot Boxes.*

Ballot boxes to be furnished.

**138.**—(1) Where a poll is required, the clerk of the municipality shall procure or cause to be procured as many boxes (hereinafter called "ballot boxes") as there are wards or polling subdivisions within the municipality.

How made.

(2) The ballot boxes shall be made of some durable material, shall be provided with a lock and key, and shall be so constructed

structed that the ballot papers can be introduced therein and cannot be withdrawn therefrom unless the box be unlocked.

(3) When it becomes necessary for the purposes of an election to use the ballot boxes, it shall be the duty of the clerk of the municipality, two days at least before the polling day, to deliver one of the ballot boxes to every deputy-returning officer appointed for the purposes of the election.

Delivery of to deputy-returning officers.

(4) The ballot boxes, when returned to the clerk after the election, shall be preserved by him for use at elections for the municipality; and it shall be the duty of the clerk to have ready for use, at all times, as many ballot boxes as there are wards or polling subdivisions in the municipality.

Clerk to preserve boxes for future elections.

(5) If the clerk fails to furnish ballot boxes in the manner herein provided, he shall incur a penalty of \$100 in respect of every ballot box which he has failed to furnish in the manner prescribed.

Penalty for failure to furnish boxes.

(6) It shall be the duty of the deputy-returning officer in every ward or polling subdivision, who has not been so supplied with a ballot box within the time prescribed, forthwith to procure one, and he may issue his order for the cost of the ballot box upon the treasurer of the municipality in which such ward or polling subdivision is situate, and the treasurer shall pay to the deputy-returning officer the amount of the order. R.S. O., 1897, c. 223, s. 138.

Deputy returning officers to procure boxes when not supplied.

### *Ballot Papers.*

**139.**—(1) Where a poll is required, the clerk of the municipality shall forthwith cause to be printed, at the expense of the municipality, such a number of ballot papers as will be sufficient for the purposes of the election.

Ballot papers to be printed.

(2) Every ballot paper shall contain the names of the duly nominated candidates, arranged alphabetically in the order of their surnames; or, if there are two or more candidates with the same surname, then in the order of their other names. R.S.O. 1897, c. 223, s. 139.

Contents and form of ballot papers.

**140.**—(1) In the case of cities and towns in which the aldermen or councillors are elected by wards the names of the candidates for mayor shall not be included in the same ballot with the names of the candidates for aldermen and councillors respectively but one kind or set of ballot papers shall be prepared for all the wards or polling subdivisions containing the names of the candidates for mayor, and another kind or set shall be prepared for each ward or polling subdivision containing the names of the candidates for aldermen or councillors in the ward. 62 V. (2) c. 26, s. 11 *part*.

Ballot papers where election is by wards.

(2) In the case of cities and towns where the aldermen or councillors are elected by general vote or in two electoral divisions one kind or set of ballot papers shall be prepared for all the polling sub-divisions containing the names of the candidates for mayor and another kind or set shall be prepared for all

Ballot papers where aldermen are not elected by wards.



all the polling sub-divisions of the city or town or of each electoral division containing the names of the candidates for aldermen or councillors as the case may be in the city or town or electoral division, and the forms of ballot papers contained in schedule "A" to this Act shall be adapted to the foregoing provisions. 1 Edw. VII, c. 26, s. 7.

Ballot papers  
for townships  
and villages.

(3) In the case of villages and townships one kind or set of ballot papers shall be prepared containing the names of the candidates for reeve and the names of the candidates for councillors. 62 V. (2) c. 26, s. 11 *part*.

Form of bal-  
lot papers.

**141.**—(1) The ballot papers shall be according to the forms given in Schedule A to this Act.

(2) In the case of an election to fill a vacancy, the ballot papers shall contain only so much of the said form as is required; and the counterfoils thereof shall bear, instead of the words appearing on the form of ballot papers given in said schedule, the words, "Election of a member of the municipal council of the city (*or town, village or township, as the case may be*), of \_\_\_\_\_, to fill a vacancy in the office of (mayor, reeve, councillor, *etc., as the case may be*), Ward No. \_\_\_\_\_, Polling subdivision No. \_\_\_\_\_, day of \_\_\_\_\_, 19\_\_\_\_." For mayor (*or For reeve, councillor, etc., as the case may be*)," or (in the case of an election to the county council) the words, "Election to fill a vacancy in the office of county councillor for the first (*or as the case may be*) county council division of the county of, \_\_\_\_\_ Township (*or as the case may be*) of \_\_\_\_\_, Ward No. \_\_\_\_\_, Polling subdivision No. \_\_\_\_\_, day of \_\_\_\_\_, 19\_\_\_\_. For county councillor." R. S. O. 1897, c. 223, s. 141

Ballot  
papers, etc.

**142.**—(1) Whenever an election of a member or members of the county council is to be held, it shall be the duty of the clerk of the county council to cause ballot papers to be printed therefor; and he shall, immediately after the receipt of the certificates from the nominating officer, and two days before polling day, forward a sufficient number of ballots and other necessary election papers to the clerk of each of the local municipalities within each county council division where elections for county councillors are to be held; and each clerk of a local municipality shall cause them to be supplied to the persons appointed to act as deputy-returning officers at the said election. R. S. O. 1897, c. 223, s. 142 (1); 1 Edw. VII., c. 26, s. 8.

When no elec-  
tion to be held  
for local  
municipality.

(2) If all the members of the council of any local municipality are elected by acclamation, the clerk of the municipality shall nevertheless (when an election of a member or members of the county council is to be held), take all proceedings necessary for such election, in the same manner (*mutatis mutandis*) as is provided by this Act for the election of members of the council of the local municipality. R. S. O. 1897, c. 223, s. 142 (2). *See also sec. 111.*

Forms.

**143.** In preparing the ballot papers or any notices or other



other papers which may be necessary, the forms appended to or otherwise provided for by this Act shall be used as far as applicable, and, where not wholly applicable, shall be adapted by the clerk of the county council or the clerks of the local municipalities, or other officers (as the case may be), to the election of county councillors; and the words "county councillor" shall be printed on every such ballot. R. S. O. 1897, c. 223, s. 143.

### *Polling Places.*

**144.** In the case of municipalities divided into wards or polling subdivisions, the clerk of the municipality shall, before the opening of the poll, deliver or cause to be delivered to every deputy-returning officer the ballot papers which have been prepared for use in the ward or polling subdivision for which such deputy-returning officer has been appointed to act, and the clerk shall also furnish to each deputy-returning officer (or see that he is furnished with) the materials necessary for voters to mark their ballot papers; and such materials shall be kept at the polling place by the deputy-returning officer for the convenient use of voters. R.S.O. 1897, c. 223, s. 144.

Clerk to furnish deputy-returning officers with ballot papers, etc.

**145.** Every polling place shall be furnished with a compartment in which the voters can mark their votes screened from observation; and it shall be the duty of the clerk of the municipality and of the deputy-returning officers respectively, to see that a proper compartment for that purpose is provided at each polling place. R. S. O., 1897, c. 223, s. 145.

Compartment wherein voters may mark votes.

### *Directions to Voters.*

**146.**—(1) In case of municipalities divided into wards or polling subdivisions, the clerk of the municipality shall, before the opening of the poll, deliver or cause to be delivered to every deputy-returning officer such number of printed directions for the guidance of voters in voting, as he may deem sufficient; and he shall so deliver or cause to be so delivered at least ten copies of such printed directions.

Clerk to furnish deputy-returning officer with directions for voters' guidance.

(2) Such directions shall be printed in conspicuous characters, and may be according to the form of Schedule B to this Act. R. S. O., 1897, c. 223, s. 146.

**147.** Every deputy-returning officer shall, before the opening of the poll, or immediately after he has received the printed directions from the clerk of the municipality (if he did not receive the same before the opening of the poll), cause the said printed directions to be placarded outside the polling place for which he is appointed to act, and also in every compartment of the polling place, and shall see that they remain so placarded until the close of the polling. R.S.O., 1897, c. 223, s. 147.

Deputy returning officers to placard the directions.

*Voters'*

*Voters' Lists, Poll Books and Defaulters' Lists.*

Proper voters list to be used at an election.

Rev. Stat., c. 7.

For first election in new municipality.

Voters' lists in cases under section 91.

Form of supplementary lists.

Voters' list. When clerk to prepare.

Rev. Stat. c. 7.

**148.** Subject to the provisions of the next following three sections, the proper list of voters to be used at an election shall be the first and second parts of the last list of voters certified by the Judge and delivered or transmitted to the Clerk of the Peace under *The Voters' Lists Act*. R. S. O., 1897, c. 223, s. 148.

**149.** For the first election in a new municipality for which there is no separate assessment roll, the clerk of the municipality shall, instead of a voters' list, provide every deputy-returning officer with a poll book, prepared according to the form of Schedule C to this Act, and either the deputy-returning officer or his sworn poll clerk shall therein enter, in the proper column, the name of every person offering to vote, and, at the request of any candidate or voter, shall note opposite the name of such person, the property on which the person claims to vote. R. S. O., 1897, c. 223, s. 149.

**150.**—(1) Where any territory is added for municipal purposes to any city, town, or village, or where a town with additional territory is erected into a city, or a village with additional territory is erected into a town, or where a new village is formed, and an election takes place before voters' lists including the names of the persons entitled to vote in such added territory, or in such new city, town or village, are made out, or before such lists are certified by the County Judge—in all such cases the clerk of the new or enlarged city, town, or village shall extract from the last filed or certified voters' list of the municipality to which such territory formerly belonged, and shall place in lists or supplementary lists, as the case may be, the names of the persons who would have been entitled to vote in the territory constituting or added to the city, town or village if no such change as aforesaid had been made.

(2) Such lists or supplementary lists shall be made in the form of Schedule C to this Act, and shall be signed by the clerk, and delivered by him to the proper deputy-returning officers for the purpose of enabling the persons named in such lists to vote at the election. R. S. O., 1897, c. 223, s. 150.

**151.**—(1) In any municipality for which there is a separate assessment roll, but for which no voters' list for the municipality has been filed with the Clerk of the Peace or certified by the County Judge under *The Voters' Lists Act*, the clerk of the municipality shall, before the poll is opened, prepare and deliver to the deputy-returning officer for every or any ward or polling subdivision, a list in the form of Schedule C to this Act, containing the names, arranged alphabetically, of all male persons appearing by the then last revised assessment roll to be entitled to vote in that ward or polling subdivision; and

and he shall attest the said list by his solemn declaration in writing under his hand.

(2) In the case of—

(a) Income voters, and

(b) Persons assessed for real property, if the municipality has passed a by-law under sub-section 1 of section 535 of this Act,

the clerk shall exclude from the list such persons as have been returned to him by the treasurer or collector as in default for not having paid their municipal taxes on or before the 14th day of December preceding the election; and every list of voters so prepared shall be the proper voters' list to be used at the election. R. S. O., 1897, c. 223, s. 151.

Persons in arrear for taxes shall be excluded from list.

**152.** In the case of municipalities which are divided into wards or polling subdivisions, the clerk of the municipality shall, before the poll is opened, deliver to the deputy-returning officer for every ward or polling subdivision, a copy, either printed or written, or partly printed and partly written, certified to be a correct list of voters for the ward or polling subdivision under section 148 and the following sections, together with a blank poll book according to the form of Schedule C to this Act, and also a copy certified by the treasurer or collector pursuant to section 137 of this Act, of the proper defaulter's list for the polling subdivision. R. S. O., 1897, c. 223, s. 152.

Delivery of copies of voters' list, poll book and defaulters' list to deputy returning officers.

**153.** The copies of the voters' lists in the next preceding section mentioned, may be prepared by the clerk of the municipality, or may be procured from the Clerk of the Peace, if filed under *The Voters' Lists Act*; and in the latter case the Clerk of the Peace shall be entitled to receive the sum of six cents for every ten voters whose names are on the list. R. S. O., 1897, c. 223, s. 153.

Copies may be prepared by clerk of municipality or procured from Clerk of Peace. Rev. Stat. c. 7.

**154.** The defaulters' lists furnished and verified by the treasurer or collector as aforesaid, shall be the evidence on which the deputy-returning officers shall act in ascertaining the payment or non-payment of taxes by persons claiming to vote in respect of income, or in respect of real property, in the cases mentioned in section 137 of this Act. R. S. O., 1897, c. 223, s. 154.

Defaulters' list to be evidence for deputy returning officer as to payment of taxes.

**155.** Where an election for a member or members of the county council is being held at the same time as the election of a member or members of the council of the local municipality, the clerk of the local municipality in preparing the poll book shall insert therein a column to be headed "*County Councillors*" between the columns headed "*Refused to swear or affirm*" and the column headed "*Mayor or reeve*"; and in

Column to be added for votes for county councillor.



case no election is being held for a member or members of the council of the local municipality. the like books shall be used unless the clerk prepares poll books expressly for the election of county councillors. R. S. O., 1897, c. 223, s. 155.

*Certificates as to the Assessment Roll.*

Clerk to give certificate of dates of return and final revision of assessment roll.

**156.**—(1) The clerk of the municipality shall, before the opening of the poll, deliver or cause to be delivered to every deputy-returning officer a certificate (which may be in the form of Schedule D to this Act), of

(a) The last day for making complaints to the county judge with respect to the voters' list to be used at the election, and also

(b) Of the day when the said assessment roll was finally revised and corrected. R. S. O., 1897, c. 223, s. 156 (1); 62 V. (2), c. 26, s. 12 (1).

Penalty for neglect. Fee for certificate.

(2) The clerk shall also, under a penalty of \$200 in case of neglect or refusal, give such certificate upon payment of the sum of twenty-five cents, to any person applying for the same. R. S. O., 1897, c. 223, s. 156 (2).

To be evidence of such date at the poll.

(3) The certificate, when delivered to the deputy-returning officer, shall be the evidence upon which he shall act in inserting in the oath to be administered to voters, the date of the final revision and correction of the assessment roll or the last day for making complaint to the county judge with respect to the voters' list (as the case may be). R. S. O., 1897, c. 223, s. 156 (3); 62 V. (2), c. 26, s. 12 (2).

*In Municipalities not divided into Wards.*

In municipalities not divided into wards or polling subdivisions, clerk to perform duties of deputy-returning officers.

**157.** In case of municipalities which are not divided into wards or polling subdivisions, the clerk shall perform the duties which in other cases are performed by deputy-returning officers, and he shall provide himself with the necessary ballot papers, and also with the materials for marking ballot papers, the printed directions before mentioned, copies of the voters' list, poll book and defaulters' list, and a certificate of the dates of the return and final revision of the assessment roll, similar to those required to be furnished to deputy-returning officers; and the clerk shall perform the like duties with respect to the whole municipality as are imposed upon a deputy-returning officer in respect of a ward or polling subdivision. R. S. O., 1897, c. 223, s. 157.

*Where and how often electors may vote.*

Number of votes which may be given by each elector.

**158.**—(1) In cities and towns in which the aldermen or councillors are elected by general vote and in townships and villages every elector may vote once only for mayor or reeve,



reeve, and once only for each alderman or councillor to be elected, and in case any elector is rated for the necessary qualification to vote in more than one ward or polling subdivision of the municipality in which he resides then he shall vote in the ward or polling subdivision in which he resides if qualified to vote therein; or in case he is not so rated in the ward or polling subdivision in which he resides, or is a non-resident,—then at the place at which he first votes and there only.

(2) In cities and towns in which the aldermen or councillors are elected by wards, every elector may vote once only for mayor at the polling place for the ward or polling subdivision in which he resides, or in case he is a non-resident or is not entered on the voters' list as entitled to vote in that ward or polling subdivision, then where he first votes and there only

(3) In cities and towns in which aldermen or councillors are elected by wards every elector rated in any ward for the necessary qualification may vote once in each ward for each alderman or councillor to be elected for the ward. 3 Edw. VII., c. 18, s. 26. *Substituted for Rev. Stat. c. 223, secs. 158, 158a, 159 and 161.*

**160.** Where any person being a resident voter qualified to vote for county councillors is on the voters' list for two or more municipalities within any county council division, he shall vote for county councillors in that municipality only in which he resides, and only at the polling place of the polling subdivision in which he resides, if he is entitled to vote at such polling place. In case a voter is not resident within the division, he shall vote only once within any division, whether his name is on the voters' list of said division in more than one polling subdivision or not. R. S. O., 1897, c. 223, s. 160.

In county council elections.

**162.**—(1) Any person who votes more often than he is entitled to under the provisions of this Act shall incur a penalty of \$50.

Penalty for voting oftener than entitled to.

(2) The receipt by any voter of a ballot paper within the polling booth shall be *prima facie* evidence that he has there and then voted. 3 Edw. VII., c. 18, s. 27.

Receipt by voter of ballot papers.

**163.**—(1) The clerk of the municipality, on the request of any elector entitled to vote at one of the polling places, who has been appointed deputy-returning officer or poll clerk, or who has been named as an agent of a candidate to attend at any polling place other than the one where he is entitled to vote, shall give to such elector a certificate that he is entitled to vote at the polling place where he is to be stationed during the polling day; and the certificate shall also state the property or other qualification in respect of which he is entitled to vote,

Certificate to entitle deputy returning officers, poll clerks, and agents to vote where stationed.

Right to vote  
on production  
of certificate.

(2) On the production of the certificate, the deputy-returning officer, poll clerk, or agent shall have the right to vote at the polling place where he is stationed during the polling day, instead of at the polling place where he would otherwise have been entitled to vote; and the deputy-returning officer shall attach the certificate to the voters' list; but no such certificate shall entitle such elector to vote at such polling place unless he has been actually engaged as such deputy-returning officer, poll clerk, or agent during the day of polling; nor to vote for aldermen in cities, or for councillors in municipalities divided into wards, except in the ward where he would otherwise be entitled so to vote.

Who to  
administer  
oath.

(3) In case a deputy-returning officer votes at the polling place to which he has been appointed, the poll clerk appointed to act at the polling place, or (in the absence of the poll clerk) any elector authorized to be present, may administer to the deputy-returning officer the oath required by law to be taken by voters. R. S. O., 1897, c. 223, s. 163.

#### DIVISION V.—THE POLL.

*Ballot box to be exhibited. Sec. 164.*

*Duty of deputy-returning officer, Secs. 164-167, 177.*

*How votes to be received. Secs. 165-167.*

*How ballot paper to be marked. Sec. 168.*

*Exclusion from balloting compartment. Sec. 169.*

*Ballot papers not to be taken away. Sec. 170.*

*Proceedings in case of incapacity, inability or objection to mark ballot. Sec. 171.*

*Ballot paper inadvertently spoiled. Sec. 172.*

*Who may be present in polling place. Sec. 173.*

*Counting the votes—Objections—Statement. Sec. 174.*

*Who may be present at the counting of the votes. Sec. 174  
175.*

*Certificates of state of poll. Sec. 176.*

*Returns, etc., to be made by deputy-returning officers.  
Sec. 177.*

*Clerk to cast up votes and declare who is elected. Sec.  
178.*

*Right of clerk, deputy-returning officers and poll-clerks  
to vote. Sec. 179.*

*Procedure in elections to county councils. Secs. 180-183.*

*Riots or other emergency. Secs. 184, 185.*

*Declarations of office to be made by persons elected. Sec. 186,  
187.*

Deputy re-  
turning officer  
to shew box  
empty to per-  
sons present  
and then lock  
and seal it.

**164.** The deputy-returning officer shall, immediately before the commencement of the poll, shew the ballot box to such persons as are present in the polling place, so that they may see that it is empty; he shall then lock the box and place his

his seal upon it in such manner as to prevent its being opened without breaking the seal ; and he shall then place the box in his view for the receipt of ballot papers, and shall keep it so locked and sealed. R. S. O., 1897, c. 223, s. 164.

**165.** Where a person claiming to be entitled to vote presents himself for the purpose of voting, the deputy-returning officer shall proceed as follows :

Proceedings  
by deputy re-  
turning office  
on tender of  
vote.

1. He shall ascertain that the name of such person or a name apparently intended therefor is entered upon the voters' list for the ward or polling subdivision for which the deputy-returning officer is appointed to act.

Name.

2. He shall record, or cause to be recorded by the poll clerk, in the proper columns of the poll book the name, qualification, residence and legal addition of such person.

Recording.

3. Where the vote is objected to by any candidate or his agent, the deputy-returning officer shall enter the objection (or cause the same to be entered) in the poll book, by writing opposite the name of such person in the proper column the words "*Objected to*," stating, at the same time, by which candidate, or on behalf of which candidate, the objection has been made, by adding after the words "*Objected to*," the name only of such candidate.

Objection

4. If such person takes the oath or affirmation required to be taken by voters in the manner directed by sections 112 to 116 inclusive of this Act, the deputy-returning officer shall enter or cause to be entered opposite such person's name, in the proper column of the said poll book the word "*Sworn*," or "*Affirmed*," according to the fact.

Oath.

5. Where such person has been required to take the oath or affirmation, and refuses to take the same, the deputy-returning officer shall enter or cause to be entered opposite the name of such person, in the proper column of the poll book, the words, "*Refused to be Sworn*," or "*Refused to Affirm*," according to the fact ; and the vote of such person shall not be taken or received ; and if the deputy-returning officer takes or receives such vote, or causes the same to be taken or received, he shall incur a penalty of \$200.

Refusal to  
take the oath

6. Where the proper entries respecting the person so claiming to vote have been made in the poll book in the manner prescribed, the deputy-returning officer shall place (or cause to be placed) a check or mark opposite to the name of the voter in the certified voters' list to indicate that the name of such person has been entered in the poll book and that the person has been allowed to vote, and shall then sign his name or initials on the back of the ballot paper.

Deputy re-  
turning officer  
to initial ballot  
paper and  
mark voter's  
list.

7. The ballot paper shall be delivered to such person.

Delivery of  
paper to voter.  
8.



Deputy re-  
turning officer  
to explain  
mode of  
voting.

8. The deputy-returning officer may, and upon request shall, either personally or through his sworn poll-clerk, explain to the voter, as concisely as possible, the mode of voting. R. S. O., 1897, c. 223, s. 165.

Deputy re-  
turning officer  
refusing, etc.,  
to initial  
ballot paper.

166. Every deputy-returning officer refusing, or wilfully omitting, to sign his name or initials upon the back of the ballot paper, as provided for by clause 6 of section 165 of this Act, shall forfeit to any person aggrieved by such refusal or omission, the sum of \$10, in respect of every ballot paper deposited at his polling subdivision upon which the said deputy-returning officer has not signed his name or initials as aforesaid. R.S.O., 1897, c. 223, s. 166; 3 Edw. VII. c. 18, s. 28.

[As to recovery of penalty see sec. 251.]

Deputy re-  
turning officer  
to note in poll  
book voters to  
whom ballot  
papers given.

167. The deputy-returning officer shall place, or cause to be placed, in the columns of the poll book headed "*Mayor*," "*Reeve*," ("or *Mayor and Reeve*") "*Alderman*," "*County Councillor*" and "*Councillor*," as the case may be, his initials opposite the name of every voter receiving a ballot paper, to denote that the voter has received a ballot paper for mayor, reeve, alderman, county councillor, or councillor, as the case may be. R. S. O., 1897, c. 223, s. 167.

Marking  
ballot paper.

168.—(1) Upon receiving from a deputy-returning officer the ballot paper prepared as aforesaid, the person receiving the same shall forthwith proceed into the compartment provided for the purpose, and shall then and therein mark his ballot paper in the manner mentioned in the directions contained in Schedule B to this Act by placing a cross, thus X, on the right-hand side, opposite the name of any candidate for whom he desires to vote, or at any other place within the division which contains the name of such candidate. He shall then fold the ballot paper across, so as to conceal the names of the candidates, and the marks upon the face of the paper, and so as to expose the initials of the deputy-returning officer, and, leaving the compartment, shall, without delay, and without showing the front to any one, or so displaying the ballot paper as to make known to any person the names of the candidates for or against whom he has marked his vote, deliver the ballot paper so folded to the deputy-returning officer, who shall, without unfolding the same, or in any way disclosing the names of the candidates, or the marks made by such elector, verify his own initials, and at once deposit the same in the ballot box in the presence of all persons entitled to be present and then present in the polling place; and the voter shall forthwith leave the polling place.

For county  
councillors.

(2) Each person qualified to vote for county councillors shall be entitled to as many votes as there are members of the county council to be elected in his county council division; and he may, at his option, where there are two county councillors



pollers to be elected, give both of his votes to one candidate, in which case he shall place two crosses, thus **X X**, on the right hand side opposite the name of the candidate for whom he votes, or at any other place in the division which contains the name of such candidate; but except in the case aforesaid no person shall give two votes for one candidate. R. S. O., 1897, c. 223, s. 168.

**169.** While a voter is in a balloting compartment for the purpose of marking his ballot paper, no other person shall be allowed to enter the compartment, or to be in any position from which he can observe the mode in which the voter marks his ballot paper. R. S. O., 1897, c. 223, s. 169.

Exclusion  
from balloting  
compartment.



**170.** No person who has received a ballot paper from the deputy-returning officer shall take the same out of the polling place; and any person having so received a ballot paper, who leaves the polling place without first delivering the same to the deputy-returning officer in the manner prescribed, shall thereby forfeit his right to vote; and the deputy-returning officer shall make an entry in the poll book, in the column for "*Remarks*," to the effect that such person received a ballot paper, but took the same out of the polling place, or returned the same declining to vote, as the case may be; and in the latter case the deputy-returning officer shall immediately write the word "*Declined*" upon such ballot paper and shall preserve the same. R. S. O., 1897, c. 223, s. 170.

Voter not to  
take his ballot  
paper from  
polling place.

**171.** In the case of an application by a person claiming to be entitled to vote, who is incapacitated by blindness or other physical cause from marking his ballot paper, or in the case of a person claiming to be entitled to vote who makes a declaration that he is unable to read, or (where the voting is on a Saturday) that he is of the Jewish persuasion and objects on religious grounds to mark his ballot in the manner prescribed by section 168, the proceedings shall be as follows:

Proceedings in  
case of incapacity  
to mark  
ballot paper.

1. The deputy-returning officer shall, in the presence of the agents of the candidates, cause the vote of such person to be marked on a ballot paper in the manner directed by such person, and shall place the ballot paper in the ballot box.

2. The deputy-returning officer shall state or cause to be stated in the poll book, by an entry opposite the name of such person in the proper column of the poll book, that the vote of such person is marked in pursuance of this section, and the reason why it is so marked.

3. The declaration aforesaid may be in the form of Schedule E to this Act, and shall at the time of the polling be made by the person claiming to be entitled to vote, before the deputy-returning officer, who shall attest the same as nearly as may be according to the form given in Schedule F to this Act; and the

the

the said declaration shall be given to the deputy-returning officer at the time of voting.

4. In the case of a person who objects on religious grounds to mark his ballot, the declaration may be made orally and to that effect. R. S. O., 1897, c. 223, s. 171.

Proceedings in case ballot paper cannot be used.

**172.** A person claiming to be entitled to vote, who has inadvertently dealt with his ballot paper in such a manner that it cannot be conveniently used as a ballot paper, may, on delivering to the deputy-returning officer the ballot paper so inadvertently dealt with, and proving the fact of the inadvertence to the satisfaction of the deputy-returning officer, obtain another ballot paper in the place of the ballot paper so delivered up; and the deputy-returning officer shall immediately write the word "*Cancelled*" upon the ballot paper, and preserve the same. R. S. O. 1897, c. 223, s. 172.

Who may be present in polling place.

**173.** During the time appointed for polling, no person shall be entitled or permitted to be present in the polling place, other than the officers, candidates, clerks or agents authorized to attend at the polling place and the voter who is for the time being actually engaged in voting: but it shall at all times be lawful for the deputy-returning officer to have present or to summon to his assistance in the polling place, any police constable or peace officer, for the purpose of maintaining order, or of preserving the public peace, or preventing any breach thereof, or of removing any person who, in the opinion of the deputy-returning officer, is obstructing the polling or wilfully violating the provisions of this Act. R. S. O., 1897, c. 223, s. 173.

Counting the votes.

**174.** In every polling place, the deputy-returning officer shall, immediately after the close of the poll, in the presence of the poll clerk (if any) and of such of the candidates or of their agents as may then be present, open the ballot box, and proceed to count the votes as follows:

Rejected ballots.

1. He shall examine the ballot papers, and any ballot paper which has not on its back the name or initials of the deputy-returning officer, or on which more votes are given than the elector is entitled to give, or on which anything, except the initials or name of the deputy-returning officer on the back, is written or marked, by which the voter can be identified, or which has been torn, defaced, or otherwise dealt with by the voter so that he can thereby be identified, shall be void, and shall not be counted. A ballot paper on which votes are given for a greater number of candidates for any office than the voter is entitled to vote for, shall be void as regards all the candidates for such office, but shall be good as regards the votes for any other offices in respect to which the voter has not voted for more candidates than he is entitled to vote for.

2. The deputy-returning officer shall take a note of any objection made by a candidate, his agent or any elector authorized to be present, to any ballot paper found in the ballot box, and shall decide any question arising out of the objection.

Deputy returning officer to note objections taken to ballot papers at the counting, and number objection and ballot paper to correspond.

3. Every objection shall be numbered, and a corresponding number shall be placed on the back of the ballot paper, and initialed by the deputy-returning officer.

4. The deputy-returning officer shall indorse "*Rejected*" on any ballot paper which he rejects as invalid, and shall indorse "*Rejection objected to*," if any objection is made to his decision.

Indorsing ballot paper.

5. The deputy-returning officer shall then count up the votes given for each candidate upon the ballot papers not rejected, and shall make up a written statement, in words as well as in figures, of the number of votes given for each candidate, and of the number of ballot papers rejected and not counted by him, which statement shall be made under the several heads—

Statement.

- (a) Name or number of ward or polling subdivision and of the municipality, and date of election ;
- (b) Number of votes for each candidate ;
- (c) Rejected ballot papers.

6. Upon the completion of the written statement, it shall be forthwith signed by the deputy-returning officer, the poll clerk, (if any), and such of the candidates or their agents as are present, and desire to sign such statement. R. S. O., 1897, c. 223, s. 174.

Statement to be signed.

175. In cities where the aldermen are elected by general vote, not more than one agent of any candidate and in other municipalities not more than two agents of any candidate shall be entitled to be present at the same time in any polling place during the voting or at the counting of the votes. 3 Edw. VII. c. 18, s. 29.

Number of agents who may be present at polling.

176. Every deputy-returning officer, upon being requested so to do, shall deliver to the persons authorized to attend at his polling place, a certificate of the number of votes given at that polling place for each candidate, and of the number of rejected ballot papers. R. S. O., 1897, c. 223, s. 176.

Deputy-returning officer to give certificate of state of poll.

177.—(1) Every deputy-returning officer shall, at the close of the poll, certify under his signature on the voters' list in full words the total number of persons who have voted at the polling place at which he has been appointed to preside ; and, at the completion of the counting of votes after the close of the poll, shall, in the presence of the agents of the candidates, make up into separate packets, sealed with his own seal, and the

Deputy-returning officer's duties after votes are counted.



the seals of such agents of the candidates as desire to affix their seals, and marked upon the outside with a short statement of the contents of such packet, the date of the day of the election, the name of the deputy-returning officer, and of the ward or polling subdivision and of the municipality,

- (a) The statement of votes given for each candidate and of the rejected ballot papers ;
- (b) The used ballot papers which have not been objected to and have been counted ;
- (c) The ballot papers which have been objected to, but which have been counted by the deputy-returning officer ;
- (d) The rejected ballot papers ;
- (e) The spoiled ballot papers ;
- (f) The unused ballot papers ;
- (g) A statement of the number of voters whose votes have been marked by the deputy-returning officer under section 171 of this Act with the declarations of inability ; and the notes taken of objections made to ballot papers found in the ballot-box.

Declaration  
by deputy-re-  
turning officer  
as to use of  
voters' list  
and poll book.

(2) Before returning the voters' list and poll-book to the clerk of the municipality, the deputy-returning officer shall make and subscribe before such clerk, or a Justice of the Peace or before the poll clerk, his declaration under oath that the voters' list and poll book were used in the manner prescribed by law, and that the entries required by law to be made therein were correctly made ; which declaration shall be in form of Schedule G to this Act and shall thereafter be annexed to the voters' list, and such voters' list, poll-book and declaration may be inspected at any time, in presence of the clerk, by any elector of the municipality.

Packets of  
ballot papers  
etc., to be de-  
livered to the  
clerk of muni-  
cipality.

(3) If the clerk of the municipality is not himself performing the duties of deputy-returning officer, the deputy-returning officer shall forthwith deliver such packet personally to the clerk of the municipality ; and if, owing to illness or other cause, he is unable to do so, he shall deliver such packets to a person chosen by him for the purpose of delivering the same to the clerk ; and shall mention on the outside of the cover of each of the packets the name of the person to whom the same had been so delivered, and shall take a proper receipt therefor ; he shall also forthwith return the ballot box to the clerk of the municipality.

Return of  
ballot boxes,  
etc., in cities  
and towns.

(4) In cities and towns, each deputy-returning officer, as soon as the duties enumerated in subsections 1 and 2 of this section have been performed, (or in case of his illness or inability as aforesaid, the person chosen by him,) shall forthwith proceed directly from the polling place to the office of the clerk of the municipality with the ballot box and the said packets,



packets, and shall there personally and forthwith on the same day, and as soon as is possible after leaving the polling place, deliver the same to the clerk of the municipality; and no deputy-returning officer in a city or town shall under any circumstances take the ballot box or packets, or allow the same to be taken to his home, or house, or office, or place of business, or to any house or place whatsoever other than the office of the clerk of the municipality. And for any breach of the provisions of this subsection a deputy returning officer shall incur the penalties provided in sections 193 and 194 of this Act. The returning officer shall remain at his office on the evening of the polling day until the said boxes have been so returned to him.

(5) The packets shall be accompanied by a statement made by the deputy-returning officer, shewing the number of ballot papers entrusted to him, and accounting for them under the heads of (1) Counted; (2) Rejected; (3) Unused; (4) Spoiled; (5) Ballot papers given to voters who afterwards returned the same, declining to vote; and (6) Ballot papers taken from the polling place; which statement shall give the number of papers under each head, and is in this Act referred to as the "Ballot Paper Account."

Statement to be made by deputy returning officer on return of ballot papers, etc.

(6) If the deputy-returning officer and one or more of the candidates or of the agents of the candidates present at the examination and counting of the ballot papers are unable to agree as to the written statement to be made by the deputy-returning officer, the packages of ballot papers shall be broken open by the clerk of the municipality on the day succeeding the polling day, in the presence of the deputy-returning officer and of such of the candidates or their agents as may be present, at an hour and place to be appointed by the deputy-returning officer, and of which they have been notified by him; but if the distance necessary to be travelled is such that the appointed place cannot be reached on the day following the poll, a reasonable time shall be allowed, and no more, for the purpose of coming before the clerk of the municipality; and the clerk of the municipality, after examining the ballot papers, shall finally determine the matter in dispute, sign the written statement hereinbefore mentioned, and shall forthwith, in the presence of the deputy-returning officer and of such of the candidates or their agents as may then be present, securely seal up the ballot papers which have been examined by him in their several packages as before. R. S. O., 1897, c. 223, s. 177.

If dispute as to result arises how to be settled.

**178.** The clerk of the municipality, after he has received the ballot papers and statements before mentioned of the number of votes given in each polling place, shall, without opening any of the sealed packets of ballot papers, cast up from the statements the number of votes for each candidate; and shall, at the town hall, or, if there is no town hall, at some other

Clerk to cast up votes and declare who is elected to local council.

other public place, at noon on the day following the return of such ballot papers and statements, publicly declare to be elected to the council of the local municipality the candidate or candidates having the highest number of votes; and he shall also put up in some conspicuous place a statement under his hand shewing the number of votes polled for each candidate for election to the council of the local municipality. R. S. O., 1897, c. 223, s. 178.

In case of a tie clerk to have a casting vote;

**179.**—(1) In case it appears, upon the casting up of the votes as aforesaid, that two or more candidates have an equal number of votes, the clerk of the municipality, (or other person appointed by by-law to discharge the duties of clerk in case of his absence or incapacity through illness), whether otherwise qualified or not, shall, at the time he declares the result of the poll, give a vote for one or more of such candidates, so as to decide the election for the local municipality.

but otherwise not to vote.

(2) Except in such case, no clerk of the municipality shall vote at any local municipal election held in his municipality. *See sec. 365.*

Deputy returning officers, etc., may vote if qualified.

(3) All deputy-returning officers and persons employed as deputy-returning officers and poll clerks shall, if otherwise qualified, be entitled to vote. R. S. O., 1897, c. 223, s. 179.

### *County Council Elections.*

Ballot for county councillors how to be dealt with.

**180.** At the election of a member or members of a county council, the ballots shall be placed in the same ballot box as the ballots for the members of the council of a local municipality where an election for such local municipality is being held, and shall be counted in the same manner as such last named ballots. Thereafter they shall be placed in a separate envelope or package and otherwise dealt with in the same manner as ballots for the election of members of the council of a local municipality. Where an election for the local municipality is not being held, the proceedings thereat and thereafter, (except where the same are varied hereby), shall be as nearly as possible the same as in the case of an election for a local municipality. R. S. O., 1897, c. 223, s. 180.

Certifying result of voting for county councillors.

**181.** The clerk of each municipality shall, on the day following the return to him of the ballot papers and statements, prepare and mail to the county clerk by registered letter with the postage prepaid, a certificate under his hand of the result of the voting in his municipality for the candidates for the county council. Such certificate shall be according to the form given in the Schedule H hereto. R. S. O., 1897, c. 223, s. 181.

County clerk to cast up votes and declare result.

**182.** In elections to the county council the county clerk shall be returning officer, and shall (as such) perform the duties required

required of him by this Act, and shall on receipt of the certificates from the clerks of the municipalities comprising a county council division, cast up from such certificates the number of votes for each candidate, and at the hour of one o'clock in the afternoon of the second Monday in the month of January, in the county council chamber, shall publicly declare elected the two candidates having the highest number of votes in each county council division, and shall also post up in his office for public inspection a statement under his hand showing the number of votes polled for each candidate. R. S. O., 1897, c. 223, s. 182.

**183.** Where an equal number of votes has been cast for two or more candidates in any county council division, and it is necessary to determine which one or two of such candidates shall be declared to be elected, the nominating officer for the division shall, upon the request of the county clerk, declare in writing for which such candidates he votes, and in such case the candidate or candidates for whom he votes shall be elected: and except when so required to give a casting vote, no nominating officer shall vote at an election held for the county council division for which he is appointed. R. S. O., 1897, c. 223, s. 183.

When two candidates receive same number of votes.

*In Case of Election not Held at Proper Time, Etc.*

**184.** In case, by reason of riot or other emergency, an election is not commenced on the proper day, or is interrupted after being commenced and before the lawful closing thereof, the returning officer, or deputy-returning officer, as the case may be, shall hold or resume the election on the following day at the hour of ten o'clock in the forenoon, and shall continue the same from day to day, if necessary, for four days, until the poll has been opened without interruption, and with free access to voters for eight hours in all, or thereabouts, in order that all the electors so intending may have had a fair opportunity to vote. R. S. O., 1897, c. 223, s. 184.

Election not commenced, or interrupted by reason of riot, etc., to be resumed.

**185.** In case the election has not, by the end of the fourth day from the day the same commenced or should have commenced, been kept open for the said eight hours the returning officer, or deputy-returning officer, as the case may be, shall not return any person as elected, but shall return his voters' list and ballot papers on the following day to the head of the municipality, certifying the cause of there not having been an election; and a new election shall take place, and the head of the municipality shall forthwith issue his warrant therefor. R. S. O., 1897, c. 223, s. 185. *See also sec. 212.*

If election is prevented for four days voters' list, etc., is to be returned, and a new election ordered.

**186.** When a poll has been duly held in each of such wards or polling subdivisions, and the ballot papers and statements hereby directed to be returned to the clerk have been so returned

Declaration of election in such cases.



turned to him, the clerk shall, without opening any of the sealed packets of ballot papers, cast up from said statements the number of votes given for each candidate for any office in respect whereof the election has not been previously declared, together with the votes appearing by the statements previously returned for other wards to be given for the candidate, and shall at noon on the next day, at the town hall, (or if there is no town hall, at some other public place), publicly declare to be elected the candidate or candidates having the largest number of votes polled. R. S. O., 1897, c. 223, s. 186.

Declaration  
and assump-  
tion of office.

**187.** The person or persons so elected shall make the necessary declarations of office and qualification and shall assume office accordingly. R. S. O., 1897, c. 223, s. 187.

*[For postponement of an election on account of an epidemic or contagious disease, see Rev. Stat. c. 248, sec. 47.]*

#### DIVISION VI.—MISCELLANEOUS PROVISIONS.

*Disposition of ballot papers.* Sec. 188.

*Inspection of ballot papers.* Sec. 189.

*Recount of votes.* Secs. 189-190.

*In elections to county council.* Sec. 191.

*Production of documents: how far evidence, etc.* Sec. 192

*Offences and penalties.* Sec. 193-197.

*Secrecy of proceedings at polling places.* Sec. 198-200.

*Candidates may do agents' duty.* Sec. 201.

*Attendance or non-attendance of agents.* Sec. 202.

*Computation of time.* Sec. 203.

*Technical objections not to prevail.* Sec. 204.

*Expenses of clerk of municipality, etc.* Sec. 205, 206.

Ballot papers  
how disposed  
of.

**188.** The clerk of the municipality shall retain for one month all ballot papers received by him or forwarded to him in pursuance of this Act by deputy-returning officers, and shall then, unless otherwise directed by an order of a Court or Judge of competent jurisdiction, cause them to be destroyed in the presence of two witnesses, whose declaration that they have witnessed the destruction of such papers shall be taken before the head of the municipality, and filed by the said clerk amongst the records of the municipality. R. S. O., 1897, c. 223, s. 188.

Ballot papers  
to be inspect-  
ed only by  
order of a  
Court or  
Judge.

**189.**—(1) No person shall be allowed to inspect any ballot papers in the custody of the clerk of the municipality except under the order of a Court or Judge of competent jurisdiction, to be granted by the Court or Judge upon satisfactory evidence on oath that the inspection or production of the ballot papers is required for the purpose of maintaining a prosecution for an offence in relation thereto, or for the purpose of taking proceedings under this Act in contesting an election or return; and



and any such order for the inspection or production of ballot papers shall be obeyed by the clerk of the municipality. Order may be subject to conditions.  
 R.S.O., 1897, c. 223, s. 189 (1); 3 Edw. VII., c. 18, s. 30.

(2) The order may be made subject to such conditions as to persons, time, place, and mode of opening or inspection as the Court or Judge making the order thinks expedient. Re-count of votes by County Judge.

(3) In case at any time within fourteen days from the time when the ballot papers are received by the clerk of the municipality, it is, on the affidavit of a credible person, made to appear to the County Judge of the county in which the municipality is situated, that a deputy-returning officer at any election in the municipality, in counting the votes for mayor, alderman, reeve, councillor, or water commissioner, has improperly counted or rejected any ballot papers, the County Judge may appoint a time to re-count the votes, and shall give notice in writing to the candidates of the time and place at which he will proceed to re-count the same. Where ballot papers have been improperly counted or rejected.

(4) At the time of the application for a re-count, the applicant shall deposit with the clerk of the County Court the sum of \$25 as security for the payment of costs, charges and expenses that may become payable by the applicant: and the said sum shall not be paid out by the clerk without the order of the Judge. Deposit by applicant.

(5) The County Judge, the clerk of the municipality with the ballot boxes, and each candidate and his agent appointed to attend the re-count of votes, and no other person except with the sanction of the County Judge, shall be entitled to be present at the re-count of the votes. Who may be present at re-count.

(6) At the time and place appointed, the County Judge shall proceed to re-count all the votes or ballot papers received by the clerk of the municipality, and shall in the presence of the parties aforesaid, if they attend, or in the presence of such of them as do attend, open the sealed packets containing (a) the used ballot papers which have not been objected to and have been counted; (b) the ballot papers which have been objected to, but which have been counted by the deputy-returning officer; (c) the rejected ballot papers; (d) the spoiled ballot papers; (e) the unused ballot papers. In re-counting the votes, care shall be taken that the mode in which any particular voter has voted shall not be discovered. Opening of packets.

(7) The County Judge shall, as far as practicable, proceed continuously with the re-count of the votes, allowing only time for refreshment, excluding only Sundays and, on other days (except so far as he and the parties aforesaid agree), the hours between six o'clock in the evening and nine o'clock on the succeeding morning. During the excluded time the County Judge shall place the ballot papers and other documents relating to the election under his own seal, and the seals of such other Re-count to be a continuous proceeding.

other of the parties as desire to affix their seals, and shall otherwise take precautions for the security of the papers and documents. R.S.O. 1897, c. 223, s. 189 (2)-(7).

(8) The County Judge shall proceed to re-count the votes as follows :

Procedure on  
re-count.

and 7 Edw. VII.  
Chap. 40. sec. 4.

1. He shall examine the ballot papers.
2. Any ballot paper on which votes are given to more candidates than are to be elected, or on which anything except the name or initials of the deputy-returning officer on the back is written or marked by which the voter can be identified, or which has been torn, defaced, or otherwise dealt with by the voter so that he can thereby be identified, shall be void and shall not be counted. A ballot paper on which votes are given for a greater number of candidates for any office than the voter is entitled to vote for, shall be void as regards all the candidates for such office, but shall be good as regards the votes for any other offices in respect to which the voter has not voted for more candidates than he is entitled to vote for ; but no word or mark written or made, or omitted to be written or made by the deputy-returning officer on a ballot paper, shall avoid the same.

3. The County Judge shall take a note of any objection made by candidate or by his agent to any ballot paper found in the ballot box, and shall decide any question arising out of the objection ; and the decision of the County Judge shall be final.

4. The County Judge shall then count up the votes given for each candidate upon the ballot papers not rejected, and shall make up a written statement, in words as well as in figures, of the number of votes given for each candidate, and of the number of ballot papers rejected and not counted by him ; which statement shall be made under the several heads following :

- (a) Name of municipality ;
- (b) Names of the candidates ;
- (c) Number of votes for each candidate ;
- (d) Papers wanting signature or initials of deputy-returning officer ;
- (e) Papers rejected as voting for more candidates than entitled to ;
- (f) Papers rejected as having a writing or mark by which the voter can be identified, or as torn, defaced or otherwise dealt with by the voter so that he can thereby be identified ;
- (g) Papers rejected as unmarked or void for uncertainty.

5. Upon the completion of the re-count, or as soon as he has thus ascertain the result of the poll, the County Judge shall seal up all the ballot papers in separate packets, and shall forthwith

forthwith certify the result to the returning officer, who shall then declare elected the candidate having the highest number of votes; and in case of an equality of votes, the clerk of the municipality shall have the casting vote as provided in section 179 of this Act. R.S.O., 1897, c. 223, s. 189 (8); 62 V., (2), c. 26, s. 17.

(9) Nothing in this section contained shall destroy or prevent any remedy which any person may have under the provisions hereinafter contained by proceedings in the nature of *quo warranto* or otherwise. R.S.O., 1897, c. 223, s. 189, (9); 3 Edw. VII, c. 18, s. 31. Existing remedies not affected.

**190.**—(1) All costs, charges and expenses of, and incidental to an application for a re-count and to the proceedings consequent thereon, shall be defrayed by the parties to the application in such manner and in such proportion as the Judge may determine, regard being had to the disallowance of any costs, charges or expenses which may, in the opinion of the Judge, have been caused by vexatious conduct, unfounded allegations, or unfounded objections on the part either of the applicant or the respondent, regard being had to the discouragement of any needless expense by throwing the burden of defraying the same on the parties by whom it has been caused, whether such parties are or are not on the whole successful. Costs of application

(2) The costs may be taxed in the same manner, and according to the same principles as costs are taxed between solicitor and client in the County Court. Taxation of costs.

(3) The payment of any costs ordered by the Judge to be paid, may be enforced by an execution against goods and chattels, to be issued from any County Court, upon filing therein the order of the Judge and a certificate shewing the amount at which the costs were taxed and an affidavit of the non-payment thereof. R.S.O., 1897, c. 223, s. 190. Recovery of costs.

**191.**—(1) In the case of an election of a member or members of a county council, the same proceedings may be had for a recount of votes, as may be had in the case of a member or members of the council of a local municipality. R.S.O., 1897, c. 223, s. 191 (1). Recount in elections to county councils.

(2) In case of a recount the County Judge may require the clerk or clerks of the local municipality or municipalities to forward to him, under seal, all ballot papers, books, voters' or other lists, and other papers in his or their hands connected with the election. R.S.O., 1897, c. 223, s. 191 (2); 62 V. (2) c. 26, s. 18. Production of ballot papers, etc., by clerk of local municipality on recount.

(3) Each such clerk shall so forward the ballot papers, books, voters' or other lists, and other papers as directed, with a statutory declaration that they are the ballot papers, books, voters' or other lists, and other papers (if any) returned to him in connection with such election and no others, and that he Declaration of clerk as to ballot papers, books, etc.



has kept them safely and has not permitted or given opportunity to any person or persons to examine, inspect or see them since they were returned to him, and that he has kept them under seal securely since their return to him. R.S.O., 1897, c. 223, s. 191 (3).

Production of documents and indorsements on ballot papers evidence for certain purposes.

**192.** Where a rule or order is made for the production by the clerk of the municipality of any document in his possession relating to a specified election, the production of the document by the clerk, as directed by the rule or order, shall be conclusive evidence that the document relates to the specified election; and any indorsement appearing on any packet of ballot papers produced by the clerk, shall be evidence of the papers being what they are stated to be by the indorsement. R.S.O., 1897, c. 223, s. 192.

Offences

**193.**—(1) No person shall—

- (a) Without due authority supply any ballot paper to any person; or
- (b) Fraudulently put into any ballot box any paper other than the ballot paper which he is authorized by law to put in; or
- (c) Fraudulently take out of the polling place any ballot paper; or
- (d) Without due authority destroy, take, open, or otherwise interfere with any ballot box or packet of ballot papers then in use for the purposes of the election; or
- (e) Apply for a ballot paper in the name of some other person, whether such name is that of a person living or dead or of a fictitious person; or advise or abet, counsel or procure any other person so to do; but this provision shall not be construed as including a person who applies for such ballot paper believing that he is the person intended by the name entered on the voter's list in respect of which he so applies; or
- (f) Having voted once and not being entitled to vote again at an election, apply at the same election, for a ballot paper in his own name, or advise, or abet, counsel or procure any other person so to do.

(2) No person shall attempt to commit any offence specified in this section.

Penalty by imprisonment.

(3) A person guilty of any violation of this section shall be liable, if he is the clerk of the municipality, to imprisonment for any term not exceeding two years, with or without hard labour; and, if he is any other person, to imprisonment for a term not exceeding six months, with or without hard labour. R.S.O., 1897, c. 223, s. 193.



**194.** Every officer and clerk who is guilty of any wilful misfeasance, or any wilful act or omission in contravention of sections 137 to 193, inclusive, of this Act, shall, in addition to any other penalty or liability to which he may be subject, forfeit to any person aggrieved by such misfeasance, act or omission, a penal sum of \$400. R.S.O., 1897, c. 223, s. 194. Money penalty for offences.

**195.** Any county clerk or clerk or officer of a local municipality who refuses or neglects to perform the duties prescribed by this Act in relation to elections for members of a county council, shall be liable, on conviction thereof, to a fine of \$200 and costs. R.S.O., 1897, c. 223, s. 195. Penalty for neglecting to carry out Act.

**196.** In addition to any other penalties imposed by this Act, any clerk of a local municipality who knowingly makes a false or incorrect return under section 181 of this Act, and any county clerk who knowingly makes a false or incorrect declaration of election under section 182 of this Act, and any nominating officer who knowingly makes a false or incorrect declaration of election or knowingly gives a false or incorrect certificate under section 135 of this Act, or commits any other act of falsification, concealment or fraud, with intent to affect the election of a candidate or candidates for a county council, shall, upon conviction thereof, be liable to a fine of \$500 and costs, and shall be disqualified for a period of four years thereafter from holding any office or position in the gift or control of any municipal council in the Province of Ontario, and shall not be eligible during the said period for election as a member of any such council. R. S. O., 1897, c. 223, s. 196. Penalties for false returns.

**197.** All the provisions of this Act relating to the imposition of penalties in connection with municipal elections, shall apply to elections to county councils. R. S. O., 1897, c. 223, s. 197.

### *Secrecy of Proceedings.*

**198.—(1)** Every officer, clerk and agent in attendance at a polling place shall maintain and aid in maintaining the secrecy of the voting at the polling place. Maintaining secrecy of proceedings at polling places.

**(2)** No officer, clerk or agent, and no other person shall interfere with or attempt to interfere with a voter when marking his ballot paper, or shall otherwise attempt to obtain at the polling place information as to the candidate or candidates for whom any voter at such polling place is about to vote or has voted.

**(3)** No officer, clerk, agent or other person shall communicate at any time to any person any information obtained at a polling place as to the candidate or candidates for whom any voter at such polling place is about to vote or has voted.

(4)

(4) Every officer, clerk and agent in attendance at the counting of the votes, shall maintain and aid in maintaining the secrecy of the voting, and shall not communicate or attempt to communicate any information obtained at such counting as to the candidate or candidates for whom any vote is given in any particular ballot-paper.

(5) No person shall, directly, or indirectly, induce a voter to display his ballot paper after he has marked the same, so as to make known to any person the name of any candidate or candidates for or against whom he has marked his ballot paper.

Penalty for  
contravening  
this section.

(6) Every person who acts in contravention of this section shall be liable, on summary conviction before a Stipendiary Magistrate, Police Magistrate, or two Justices of the Peace, to imprisonment for any term not exceeding six months, with or without hard labour. R. S. O., 1897, c. 223, s. 198.

Statutory  
declaration  
of secrecy.

**199.** The clerk of the municipality, and every officer, clerk or agent authorized to attend a polling place or at the counting of the votes, shall, before the opening of the poll, make a statutory declaration of secrecy in the presence (if he is the clerk of the municipality) of a Justice of the Peace, and if he is any other officer, or clerk, in the presence of a Justice of the Peace or of the clerk of the municipality, and (if he is an agent of a candidate) in the presence of a Justice of the Peace or of the clerk of the municipality, or of the deputy-returning officer at whose polling place he is appointed agent. Such statutory declaration of secrecy shall be in the form mentioned in Schedule I to this Act, or to the like effect. R. S. O., 1897, c. 223, s. 199.

No one com-  
pellable to dis-  
close his vote.

**200.** No person who has voted at an election shall, in any legal proceeding to question the election or return, be required to state for whom he has voted. R. S. O., 1897, c. 223, s. 200.

### *Miscellaneous Provisions.*

Candidate  
may under-  
take duties of  
an agent.

**201.** A candidate may himself undertake the duties which any agent of his, if appointed, might have undertaken, or he may assist his agent in the performance of such duties, and may be present at any place at which his agent may (in pursuance in this Act) be authorized to attend; but no candidate shall be present at the marking of a ballot for a voter under section 171. R. S. O., 1897, c. 223, s. 201.

Expressions in  
ss. 137-201, re-  
ferring to  
agents.

**202.** When in the sections of this Act numbered from 137 to 201 inclusive, expressions are used, requiring or authorizing any act or thing to be done, or inferring that any act or thing is to be done in the presence of the agents of the candidates, such expressions shall be deemed to refer to the presence of such agents of the candidates as are authorized to attend,  
and

and as have in fact attended, at the time and place where such act or thing is being done; and the non-attendance of any agent at such time and place shall not, if the act or thing is otherwise duly done, invalidate in anywise the act or thing done. R. S. O., 1897, c. 223, s. 202.

Non-attendance of agents

**203.** In reckoning time for the purposes of the said sections 137 to 201, Sunday and any day set apart by any act of lawful authority for a public holiday, fast or thanksgiving shall be excluded; and where anything is required by this Act to be done on a day which falls on any of such days, such thing may be done on the next juridical day; but nothing in this section contained shall extend or apply to the days fixed by this Act for the nomination or election of candidates for the offices of mayor and aldermen in cities, of county councillors, or of mayor, reeve, or councillors in other municipalities. R. S. O., 1897, c. 223, s. 203.

Public holidays, etc., excluded in reckoning time under ss. 137-201, except for nomination and election of mayors, etc.

**204.** No election shall be declared invalid by reason of a non-compliance with the provisions of this Act as to the taking of the poll or the counting of the votes, or by reason of any mistake in the use of the forms contained in the Schedules to this Act, or by reason of any irregularity, if it appears to the tribunal having cognizance of the question that the election was conducted in accordance with the principles laid down in this Act, and that such non-compliance, mistake or irregularity did not affect the result of the election. R. S. O., 1897, c. 223, s. 204.

No election to be invalid for want of compliance with provisions of Act where principles followed and result not affected.

**205.**—(1) The expenses incurred in and about the election of county councillors shall be borne by the county; but where a poll is held for the election of a member or members of the council of a local municipality at the same time as the election for the county council is held, the cost of the polling booth and the fees of the deputy returning officer, poll clerk and constable and any other expenses which would be necessary for such election for the local municipality shall be borne by the local municipality as heretofore.

Expenses of elections, payment of.

(2) In case of any dispute between the local municipality and the county as to the apportionment or payment of any such expenses, the difference between them shall be summarily and finally settled by the County Judge upon the application of either party, upon four days' notice to the other party, and the Judge shall make such order in the matter as to him appears just.

Disputes to be settled summarily by County Judge.

(3) Where an election for the county council is held when no poll is required at an election for the local municipality or municipalities, then the expense thereof shall be borne wholly by the county. R. S. O., 1897, c. 223, s. 205.

When county to bear whole expense.



Expenses incurred by officers to be repaid to them

**206.** Subject to the provisions of the last preceding section, the reasonable expenses incurred by the county clerk, the clerk of the local municipality and the other officers and clerks for printing, providing ballot boxes, ballot papers, materials for marking ballot papers, balloting compartments, transmission of the packets required by this Act to be transmitted, and all reasonable fees and allowances for services rendered under this Act, shall be paid to the county clerk or the clerk of the local municipality by the treasurer of the county or local municipality, (as the case may be), and shall be distributed by him to the several persons entitled thereto. R. S. O., 1897, c. 223, s. 206.

#### DIVISION VII.—VACANCIES IN COUNCIL

*By crime, insolvency, or absence. Sec. 207.*

*Proceedings in the nature of quo warranto. Secs. 208, 209.*

*By resignation. Secs. 210, 211.*

*How filled—New elections. Secs. 212-215a.*

*Vacancies occurring during the year. Sec. 216.*

*Provision as to county councils. Sec. 217.*

*In certain cases council to fill vacancies. Sec. 218.*

Seats to become vacant, by crime, insolvency, absence, etc.

**207.** If, after the election of a person as a member of a council, he is convicted of felony or infamous crime, or becomes insolvent within the meaning of any Insolvent Act in force in this Province, or applies for relief as an indigent debtor, or remains in close custody, or assigns his property for the benefit of his creditors, or absents himself from the meetings of the council for three months without being authorized so to do by a resolution of the council entered upon its minutes, his seat in the council shall thereby become vacant, and the council shall forthwith declare the seat vacant and order a new election. R. S. O., 1897, c. 223, s. 207.

Proceedings on member's omitting to vacate seat.

**208.** In the event of a member of a council forfeiting his seat at the council or his right thereto, or becoming disqualified to hold his seat, or of his seat becoming vacant by disqualification or otherwise, he shall forthwith resign his seat, and in the event of his omitting to do so within ten days thereafter, proceedings may be taken to unseat such member, as provided by sections 219 to 244, both inclusive, of this Act, and the said sections shall, for the purposes of such proceedings, apply to any such forfeiture, disqualification or vacancy. R. S. O., 1897, c. 223, s. 208.

In county councils.

**209.** In the case of members of a county council, the same proceedings may be taken for the vacating of any seat as in the case of members of the council of any local municipality. R. S. O., 1897, c. 223, s. 209.



**210.** Any mayor or other member of a council may, with the consent of the majority of the members present, to be entered upon the minutes of the council, resign his seat in the council. R. S. O., 1897, c. 223, s. 210.

Any member may resign with consent of majority of council.

**211.** The warden of a county may resign his office by verbal intimation to the council while in session, or by letter to the county clerk if the council is not in session, in which case, and in case of vacancy by death or otherwise, the county clerk shall notify all the members of the council, and shall, if required by a majority of the members of the council, call a special meeting to fill such vacancy. R. S. O., 1897, c. 223, s. 211.

Resignation of warden.

Vacancies, how filled.

**212.** In case no return is made for one or more wards or polling subdivisions, in consequence of non-election owing to interruption by riot or other cause, or in case a person elected to a council neglects or refuses to accept office, or to make the necessary declarations of office within the time required, or in case a vacancy occurs in the council caused by resignation, death, judicial decision or otherwise, the head of the council for the time being, or in case of his absence, or of his office being vacant, the clerk, or in case of the like absence or vacancy in the office of the clerk, one of the members of the council, shall forthwith, by warrant, under the signature of such head, clerk or member, require the returning officers and deputy-returning officers appointed to hold the last election for the municipality, ward and polling subdivision respectively, or such other persons as may be duly appointed to those offices, to hold a new election in the wards or polling subdivisions for which no return has been made, or to fill the place of the person neglecting or refusing as aforesaid, or to fill the vacancy aforesaid. R. S. O., 1897, c. 223, s. 212.

New election provided for, and mode of conducting same.

**213.** In case such non-election, neglect or refusal as aforesaid occurs previous to the organization of the council for the year, the warrant for the new election shall be issued by the head or a member of the council for the previous year, or by the clerk, in like manner as provided by section 212, but such neglect or refusal shall not interfere with the immediate organization of the new council, provided a majority of the full number of the council are present. R. S. O., 1897, c. 223, s. 213.

Warrant for new election ;

but neglect not to prevent organization of council.

**214.** The returning officers and deputy-returning officers shall hold the new election at furthest within fifteen days after receiving the warrant, and the clerk shall appoint a day and place for the nomination of candidates, and the election shall, in respect to notices and other matters, be conducted in the same manner as the annual elections. R. S. O., 1897, c. 223, s. 214.

Time for holding new election.

Seat to be held  
for residue of  
term.

**215.** The person thereupon elected shall hold his seat for the residue of the term for which his predecessor was elected, or for which the office is to be filled. R.S.O., 1897, c. 223, s. 215.

Vacancies in  
council where  
aldermen  
elected by  
general vote.

**215a—(1)** In case of a vacancy in the office of alderman in a city occasioned by death or resignation or by any cause, where the aldermen are elected by a general vote, the unsuccessful candidate who received the highest number of votes at the last municipal election shall be entitled to the office upon taking the requisite oath of qualification within the time hereinafter prescribed, and in the event of his failure to do so or upon his disclaiming the office, one of the candidates following in regular order as to the number of votes received, shall, in manner hereinafter provided, become entitled to the office on taking the requisite oath of qualification within the time hereinafter limited.

Candidate  
having largest  
assessment to  
have priority  
in case of a  
tie.

**(2)** In case of a tie in the number of votes cast for two or more of such candidates, their order of succession shall be determined by the amounts for which they are respectively rated upon the last revised assessment roll, the candidate having the largest assessment to have the priority.

Notice of  
vacancy, who  
to succeed.

**(3)** When any such vacancy occurs in the office of alderman it shall be the duty of the city clerk to give immediate notice in writing to the candidate who stands first in succession that he is entitled to such vacant office if he takes the requisite oath of qualification within one week after the giving of such notice, and if such candidate shall fail to take the oath within that period he shall be deemed to have disclaimed the office.

Notice by  
clerk where  
candidate dis-  
claims or does  
not take oath.

**(4)** If any candidate disclaims or fails to take the requisite oath within the time so limited, the clerk shall give immediate notice in writing to the candidate next in succession in the same terms as the notice to the first candidate until the vacant office has been filled or the list of candidates entitled to take it exhausted.

Service of  
notice.

**(5)** The notice in writing to be given by the city clerk to candidates under this section may be served personally, or by registered letter, addressed to the candidate, and a record of such service, or of such mailing and of the address of the letter containing the notice shall be preserved by the clerk.

Where elec-  
tion by  
acclamation.

**(6)** If all the aldermen have been elected by acclamation or no candidate takes the vacant office under provisions contained in the preceding subsections of this section, the council shall immediately after the time for filling the vacancy under said section has expired, elect one alderman to fill such vacancy for the remainder of the term of the member whose seat has become vacant. 1 Edw. VII., c. 26, s. 12.

Vacancies in  
office of mayor  
of town or

**216.—(1)** In case the office of mayor of a town, or the office of reeve of a township or village, becomes vacant after the

the first day of November in any year, and an election to fill the vacancy has not been ordered by the Court or a Judge, the council may either direct that an election be held to fill the vacancy, or may elect one of their number to fill the office during the residue of the term.

reeve of township or village after 1st November.

(2) In case the office of mayor of a city becomes vacant after the first day of July in any year, and an election to fill the vacancy has not been ordered by the Court or a Judge, the council shall elect one of their own number to fill the office during the residue of the term.

Vacancies in office of mayor of a city after 1st July.

(3) In case the office of alderman or councillor becomes vacant after the first day of November in any year, and an election to fill the vacancy has not been ordered by the Court or a Judge, it shall be in the discretion of the council to direct that an election be held to fill such vacancy, or otherwise as they may see fit. R. S. O., 1897, c. 223, s. 216.

Vacancies in office of alderman or councillor after 1st November.

**217.**—(1) In case of a vacancy occurring in a county council before the June meeting of the council, by the death of a member or from some other cause, the warden (or in case of a vacancy in that office, the county clerk) shall issue to the nominating officer of the division in which the vacancy exists, his warrant for a new election to fill the vacancy in time, if practicable, to allow of the filling of the same before the regular June meeting of said council is held; and where there is not time to fill the same before the said meeting, such vacancy shall be filled at the next annual municipal election; and the clerk of the county council and the councils and the clerks of the local municipalities comprising the county council division in which such vacancy has occurred, shall take all necessary proceedings, as provided by this Act, to hold the election. When an election to fill any such vacancy is held at the annual municipal election, or at any other time during the year, the proceedings shall be the same (as nearly as may be) as in the case of the biennial election under this Act; but where at such by-election one councillor only is to be elected, each elector shall be entitled to but one vote.

Filling vacancies in county councils.

(2) The councillor so elected to fill a vacancy shall hold office during the unexpired portion of the term for which his predecessor was elected.

Term of office.

(3) In case the nominating officer of the division in which the vacancy exists is dead, or is unable through illness or absence, or neglects or refuses to act, the warrant for a new election may be directed to some other person; and thereupon such person shall act as nominating officer and shall have all the powers and perform all the duties of a nominating officer duly appointed under section 132 of this Act. R.S.O., 1897, c. 223, s. 217.

Proceedings when nominating officer is dead or unable to act, etc.

**218.** In case, at an annual or other election, the electors, from any cause not provided for by sections 184 or 185, neglect

Mode of appointing requisite number of



members of  
council if  
election ne-  
glected, etc.

glect or decline to elect the members of the council for a municipality on the day appointed, or to elect the requisite number of members, the new members of the council, if they equal or exceed the half of the council when complete, or a majority of such new members—or if half of such members are not elected, then the members for the preceding year, or a majority of them,—shall appoint as many qualified persons as will constitute or complete the number of members requisite; and the persons so appointed shall accept office and make the necessary declarations, under the same penalty, in case of refusal or neglect, as if they had been elected. R.S.O., 1897, c. 223, s. 218. *See also secs. 130, 131.*

#### DIVISION VIII.—PROCEEDINGS TO DECLARE SEAT VACANT.

*How validity of election, or right to hold seat determined.*

*Secs. 219-232.*

*Order if election held invalid or seat forfeited. Sec. 233.*

*If election of whole council invalid, or whole council disqualified. Sec. 234.*

*If invalidity caused by act of returning officer, etc. Sec. 235.*

*Form of judgment. See 236.*

*Judgment to be returned to High Court.—Enforcing judgment. Sec. 237.*

*Disclaimer. Secs. 238-243.*

*Judges may settle forms and practice. Sec. 244.*

*Procedure by writ of quo warranto abolished. Sec. 244a.*

#### *Procedure.*

Trial of con-  
tested elec-  
tions or motion  
to declare seat  
vacant.

**219**—(1) In case the validity of the election or the appointment or the right to hold the seat of a mayor, warden, reeve, alderman, county councillor or councillor is contested, the same may be tried by a Judge of the High Court or the Judge or acting Judge of the County Court of the County in which the election or appointment of the person whose election or appointment, or whose right to sit, is contested was elected or appointed. Any candidate at such election, or any elector who gave or tendered his vote thereat, or in case of an election by acclamation, or in case the right to sit is contested on the ground that a member has become disqualified or has forfeited his seat since his election or appointment, any elector entitled to vote at a municipal election in the municipality may be the relator for the purpose. 3 Edw. VII., c. 18, s. 32.

Jurisdiction  
of Master in  
Chambers.

(2) The Master in Chambers or other officer having jurisdiction to sit for the Master in Chambers at his request under the rules of the Supreme Court of Judicature from time to time in force, shall have the same jurisdiction as a Judge of the High Court to try the matters aforesaid: and the word  
“Judge”



"Judge" in sections 216 and 220 to 244 inclusive, and sections 248 to 257 inclusive, shall include such Master or officer.

(3) The decision of a Judge of the High Court shall be final, but the decision of the Master in Chambers or other officer aforesaid or of the County Court Judge shall be appealable to a Judge of the High Court, and the proceedings incident thereto shall be the same, as nearly as may be, as in the case of an appeal in other cases from a decision of the Master in Chambers. The decision of the Judge of the High Court on such an appeal shall be final. R.S.O., 1897, c. 223, s. 219 (2) (3).

Appeal from County Judge or Master in Chambers.

**220.**—(1) In case within six weeks after an election, or one month after acceptance of office by the person elected, the relator shows by affidavit to such Judge, reasonable ground for supposing that the election was not legal, or was not conducted according to law, or that the person declared elected thereat was not duly elected, or for contesting the validity of the election of any mayor, warden, reeve, alderman, county councillor or councillor, or in case at any time the relator shows by affidavit to such judge reasonable ground for supposing that a member of the council of any local municipality or of a county council has forfeited his seat or became disqualified since his election, the Judge shall grant his fiat, authorizing the relator, upon entering into a sufficient recognizance as hereinafter provided, to serve a notice of motion in the nature of a *quo warranto* to determine the matter. R.S.O., 1897, c. 223, s. 220 (1); 3 Edw., VII., c. 18, s. 33.

Time within which proceedings to be instituted and security and proof required.

(2) The recognizance shall be entered into before the Judge or before a commissioner for taking affidavits or bail, by the relator in the sum of \$200, and by two sureties (to be allowed as sufficient by the Judge upon affidavit of justification) each in the sum of \$100; and the recognizance shall be conditioned to prosecute the motion with effect, and to pay to the party against whom the motion is made any costs which may be adjudged to him against the relator.

Recognizance.

(3) When the sufficiency of the said sureties has been determined and the said recognizance allowed as sufficient by the said Judge, he shall note or indorse thereon and upon the fiat allowing service of the notice of motion the words "*Recognizance allowed*" and shall initial the same.

Indorsement of by Judge.

(4) Where the proceedings are taken before a Judge of the High Court or before the Master in Chambers or other officer having jurisdiction to sit for the Master in Chambers, the same shall be entitled and conducted in the High Court of Justice in the same manner as other proceedings in Chambers; and where the proceedings are taken before the Judge of the County Court the same shall be entitled and conducted in the County Court in the same manner as other proceedings in Chambers. R.S.O., 1897, c. 223, s. 220 (2)-(4).

Conduct of proceedings in High Court or County Court.

Notice of motion.

**221.**—(1) The notice of motion shall be at least seven clear days' notice and may either state the return day of the motion or state that the motion will be made on the eighth day after the day of service of the notice, excluding the day of service.

Notice of motion, what to contain.

(2) The relator shall, in his notice of motion, set forth his name in full, his occupation, place of residence, and the interest which he has in the election, as candidate or as an elector of the municipality, and shall also state specifically under distinct heads, all the grounds of objection to the validity of the election complained against, and in favour of the validity of the election of the relator, or other person or persons, where the relator claims that he or they, or any of them, have been duly elected, on the grounds of forfeiture or disqualification, as the case may be. R.S.O., 1897, c. 223, s. 221. 3 Edw. VII., c. 18, s. 34.

Affidavits to be filed.

**222.** Before serving his notice of motion the relator shall file all the affidavits and material upon which he intends to move, except where *viva voce* evidence is to be taken, and in that case he shall name in his notice the witnesses whom he proposes to examine. R.S.O., 1897, c. 223, s. 222.

Service of notice of motion.

**223.**—(1) The notice of motion shall be served personally, unless the party to be served keeps out of the way to avoid personal service, in which case the Judge upon being satisfied thereof, by affidavit or otherwise, may make an order for such substitutional service as he thinks fit.

Time for service of notice of motion.

(2) Service of the notice of motion shall be made within two weeks from the date of the fiat so granted by the Judge, unless otherwise ordered by the Judge, as in the preceding subsection provided. R.S.O., 1897, c. 223, s. 223.

When the relator claims the seat.

**224.** In case the relator alleges that he himself or some other person has been duly elected, the motion shall be to try the validity, both of the election complained of and of the alleged election of the relator or other person. R.S.O., 1897, c. 223, s. 224.

When right of several persons to sit attacked.

**225.** In case the grounds of objection apply equally to two or more persons elected, or sitting as members of the council or county council, the relator may proceed by one motion against such persons. R.S.O., 1897, c. 223, s. 225. 3 Edw. VII., c. 18, s. 35.

Hearing of motion.

**226.** On the hearing of the motion the relator shall not be allowed to object to the election of the person complained against, or to support the election of any person alleged to have been duly elected or to attack the right of any member to sit on any ground not specified in the notice of motion; but the Judge in his discretion may entertain any substantial ground of objection to, or in support of, the validity of the election of either or any of the parties which may appear in the evidence before him. R.S.O. 1897, c. 223, s. 226. 3 Edw. VII., c. 18, s. 36.

**227.** Where more motions than one are made to try the validity of an election, or the right to sit, all the motions shall be made returnable before the Judge who is to try the first of them: and the Judge may give one judgment upon all, or a separate judgment upon each one or more of them, as he thinks fit. R.S.O. 1897, c. 223, s. 227. 3 Edw. VII., c. 18, s. 37.

Where more motions than one, all to be tried by the same judge.

**228.** The Judge may require the clerk of any municipality to produce before him or to forward under seal to the clerk of the county, for the purpose of production before the said Judge, such assessment rolls, collector's rolls, ballot papers, books, voters' and other lists and such other records of the election and papers in his hands connected therewith as to the said Judge may from time to time seem fit, R.S.O., 1897, c. 223, s. 228.

Requiring clerk to attend with rolls, voters' lists, etc.

**229.** In case the motion is returnable before a Judge of the High Court, he may order the evidence to be used on the hearing of the motion to be taken *viva voce* before a County Court Judge, in the presence of counsel for, or after notice to, all the parties interested, and the County Court Judge shall return the evidence to the proper officer of the High Court of Justice, and every party shall be entitled to a copy thereof. R. S. O., 1897, c. 223, s. 229.

Evidence to be used on return of motion may be taken *viva voce*.

**230.** The Judge before whom the motion is made returnable, may, if he thinks proper, at any stage of the proceedings make an order adding the returning officer or any deputy-returning officer or any other person as a party thereto. R. S. O., 1897, c. 223, s. 230.

Returning officer, etc., may be made a party.

**231.** The Judge before whom the motion is returnable may allow any person entitled to be a relator to intervene and prosecute or defend, and may grant a reasonable time for the purpose; and an intervening party shall be liable or entitled to costs like any other party to the proceedings. R. S. O., 1897, c. 223, s. 231.

The Judge may allow certain persons to intervene and prosecute or defend.

**232.**—(1) The Judge shall, in a summary manner, without formal pleadings, hear and determine the validity of the election, or the right of any person to sit, and may inquire into the facts on affidavit or affirmation, or by oral testimony, or by issues framed by him and sent to be tried by a jury in any Court named by the Judge, or by one or more of these means, as he deems expedient; subject, however to the provisions of section 248. R.S.O., 1897, c. 223, s. 232 (1); 3 Edw. VII., c. 18, s. 38.

Mode of trial.

(2) If necessity arises for sending an issue to be tried by a jury, an order for the purpose may be made, and the issue to be tried shall be stated in the order. R. S. O., 1897, c. 223, s. 232.



It election  
invalid,  
judge shall  
remove person  
not duly elect-  
ed, and admit  
person elected,  
or order new  
election.

**233.** In case the election complained of is adjudged invalid, the Judge shall, by the judgment, order to be removed the person found not to have been duly elected; and in case the Judge determines that any other person was duly elected, the Judge shall forthwith order such other person to be admitted; and in case the Judge determines that no other person was duly elected instead of the person removed, or in case the Judge determines that some person duly elected has become disqualified or has forfeited his seat then except as provided by section 215 *a* the Judge shall order a new election to be held. R. S. O., 1897, c. 223, s. 233. 3 Edw. VII., c. 18, s. 39.

Order for new  
election to be  
directed to the  
sheriff.

**234.** In case the election of all the members of a council is adjudged invalid, or in case the Judge determines that all the members of the council have become disqualified or have forfeited their seats the order for their removal, and for the election of new members in their place, or for the admission of others adjudged to be legally elected, and for an election to fill up the remaining seats in the council, shall be directed to the sheriff of the county in which the election took place; and the sheriff shall have all the powers for causing the election to be held which a municipal council has in order to supply vacancies therein. R.S.O., 1897, c. 223, s. 234; 3 Edw. VII., c. 18, s. 40.

Where elec-  
tion has been  
declared in-  
valid owing to  
refusal to per-  
mit qualified  
persons to  
vote.

**235.**—(1) In any case where an election has been held invalid owing to the improper refusal of the returning officer or deputy-returning officer to receive ballot papers tendered by duly qualified electors, or to give ballot papers to duly qualified electors, the Judge may, in his discretion, order the costs of the proceedings to unseat the person declared elected, or any part thereof or any other costs, to be paid by the respondent or by such returning officer or deputy-returning officer.

(2) Nothing in this section contained shall affect any right of action against such returning officer or deputy-returning officer or be deemed to relieve such returning officer or deputy returning officer from any penalty to which he may be liable under the provisions of this Act. R. S. O., 1897, c. 223, s. 235.

Judgment.

**236.** After the adjudication upon the case an order shall be drawn up in the usual manner which shall state concisely the ground and effect of the decision, which order may be at any time amended by the Judge in regard to any matter of form, and the order shall have the same force and effect as a writ of *mandamus* formerly had in the like case. R. S. O., 1897, c. 223, s. 236.

Judgment to  
be returned to  
the court.

**237.** The Judge shall, immediately after his decision, return his order with all things had before him touching the same, to the proper office of the Court in which the proceedings are entitled, there to remain of record as a judgment of the Court; and, as occasion requires, the judgment may be enforced in the same manner as an ordinary order of *mandamus*.

Mode of  
enforcing  
judgment.



*mandamus*, and (for the costs awarded) by writs of execution. R. S. O., 1897, c. 223, s. 237.

*Disclaimer.*

**238.** Any person whose election is complained of (unless such election is complained of on the ground of corrupt practices on the part of such person), or any person whose seat is attacked on the ground that he has become disqualified or has forfeited his seat, may, within one week after service on him of the notice of motion, transmit, post paid, through the post office, directed to "The Clerk in Chambers, at Osgoode Hall, Toronto," or to "The Judge of the County Court of the County of \_\_\_\_\_" (*as the case may require*), and also to the relator or his solicitor or may cause to be delivered to such Clerk or Judge and to the relator or his solicitor a disclaimer signed by him, to the effect following:

When defendant may disclaim.

"I, A. B., upon whom a notice of motion, in the nature of a *quo warranto*, has been served for the purpose of contesting my right to the office of Township Councillor (*or as the case may be*) for the Township of \_\_\_\_\_, in the County of \_\_\_\_\_ (*or as the case may be*), do hereby disclaim the said office, and all defence of any right I may have to the same.

Form of notice of disclaimer.

"Dated \_\_\_\_\_

day of \_\_\_\_\_

(Signed) \_\_\_\_\_

"A. B."

R. S. O., 1897, c. 223, s. 238 ; 3 Edw. VII., c. 18, s. 41.

**239.** The disclaimer, or the envelope containing the same, shall moreover be indorsed on the outside thereof with the word "*Disclaimer*," and shall be registered at the post office where it is mailed: R. S. O., 1897, c. 223, s. 239.

Transmission of disclaimer.

**240.** Where there has been a contested election, the person elected may at any time after the election, and before his election is complained of, deliver to the clerk of the municipality a disclaimer signed by him as follows:

Person elected may disclaim at any time before his election is complained of.

"I, A. B., do hereby disclaim all right to the office of Township Councillor, (*or as the case may be*) for the Township of \_\_\_\_\_ (*or as the case may be*), and all defence of any right I may have to the same."

Form.

R. S. O., 1897, c. 223, s. 240.

**241.** A disclaimer filed under section 240 of this Act shall relieve the person making it from all liability to costs, and where a disclaimer has been made in accordance with section 238 or section 240 of this Act it shall operate as a resignation and the vacancy so created shall be filled in the manner provided by this Act with respect to vacancies caused by resignation. 3 Edw. VII., c. 18, s. 42.

Disclaimer to operate as resignation.

Duplicate disclaimer to be delivered to clerk.

**242.** Every person disclaiming shall deliver a duplicate of his disclaimer to the clerk of the municipality, and the clerk shall forthwith communicate the same to the council. R. S. O., 1897, c. 223, s. 242.

Costs against person disclaiming.

**243.** No costs shall be awarded against a person duly disclaiming under section 238 of this Act unless the Judge is satisfied that such person consented to his nomination as a candidate, or accepted the office, in which case the costs shall be in the discretion of the Judge. R. S. O., 1897, c. 223, s. 243; 3 Edw. VII., c. 18, s. 43.

### *Rules of Practice.*

The judges to make rules, etc.

Rev. Stat. c. 51.

**244.** The Judges of the High Court, or such of them as may be authorized by *The Judicature Act* to make general rules for regulating the practice of the High Court, may, by rules, settle the forms of any writs, notices, orders or other proceedings to be issued, given or made under sections 219 to 243 inclusive of this Act, and respecting the practice generally, in hearing and determining the validity of such elections or the question of the right of any person to sit in a council, or county council, and respecting the costs thereon; and may from time to time rescind, alter, or add to such rules; but all existing rules shall remain in force until rescinded or altered as aforesaid. R.S.O., 1897, c. 223, s. 244. 3 Edw. VII., c. 18, s. 44.

Procedure substituted for *quo warranto* proceedings.

**244a.** In cases provided for by this Act in which the validity of an election is contested or in which the right to sit in any municipal council is questioned, *quo warranto* proceedings shall not be taken but in every such case the practice and procedure shall be as prescribed by section 219 and following sections of this Act and the Rules of Court heretofore and hereafter made as provided in section 244 of this Act. 3 Edw. VII., c. 18, s. 45.

### DIVISION IX.—PREVENTION OF CORRUPT PRACTICES.

*Bribery and undue influence defined.* Secs. 245, 246.

*Certain payments lawful.* Sec. 247.

*Evidence to be taken viva voce.* Sec. 248.

*Effect of conviction of candidate for bribery.* Sec. 249.

*Penalties.* Sec. 250.

*How penalties recoverable.* Sec. 251.

*Report and record of convictions.* Secs. 252, 253.

*Attendance of witnesses, how compelled.* Sec. 254.

*Self-crimination or privilege not to excuse from giving evidence.* Sec. 255.

*Proceedings, within what time to be taken.* Sec. 256.

*When penalties not recoverable.* Sec. 257.

*Publication of the law against corrupt practices.* Sec. 258.

*Bribery defined.*

**245.** The following persons shall be deemed guilty of bribery, and shall be punished accordingly:—

1. Every person who, directly or indirectly, by himself, or by any other person on his behalf, gives, lends, or agrees to give or lend, or offers or promises money or valuable consideration, or gives or procures, or agrees to give or procure, or offers or promises, any office, place or employment, to or for any voter, or to or for any person on behalf of any voter, or to or for any person in order to induce any voter to vote or to refrain from voting at a municipal election, or upon a by-law for raising money or creating a debt to be charged upon a municipality or part of a municipality for any purpose whatever, or who corruptly does any such act as aforesaid, on account of such voter having voted or having refrained from voting at such election, or upon such by-law;

Certain persons to be deemed guilty of bribery.

Giving money to voters, etc.

Procuring office, etc., for voters.

2. Every person who, directly or indirectly, by himself or by any other person on his behalf, makes any gift, loan, offer, promise or agreement as aforesaid, to or for any person, in order to induce such person to procure or defeat, or endeavour to procure or defeat, the return of any person to serve in any municipal council, or to procure or defeat the passing of any by-law as aforesaid, or the vote of any voter at a municipal election, or at the voting upon such by-law;

Or for persons influencing voters.

3. Every person who, by reason of any such gift, loan, offer, promise, procurement or agreement, procures or engages, promises or endeavours to procure or defeat the return of any person in a municipal election, or to procure or defeat the passing of any by-law as aforesaid, or the vote of any voter at a municipal election, or at the voting upon such by-law;

Corruptly influencing voters.

4. Every person who advances or pays, or causes to be paid, money to or to the use of any other person with the intent that such money, or any part thereof, shall be expended in bribery at a municipal election, or at any voting upon a by-law as aforesaid, or who knowingly pays, or causes to be paid, any money to any person in discharge or repayment of any money wholly or in part expended in bribery at such election, or at the voting upon such by-law;

Advancing, etc., money for bribery, etc.

5. Every voter who, before or during a municipal election, or the voting on such by-law, directly or indirectly, by himself or any other person on his behalf, receives, agrees or contracts for any money, gift, loan, or valuable consideration, office, place or employment, for himself or any other person, for voting or agreeing to vote, or refraining or agreeing to refrain from voting at such election, or upon such by-law;

Voter receiving money, etc., for vote, or agreeing for money to vote, etc.

6. Every person who, after such election, or the voting upon such by-law, directly or indirectly, by himself or any other person on his behalf, receives any money or valuable consideration

Receiving money, etc., after the election for voting or inducing etc., to vote.

eration on account of any person having voted or refrained from voting, or having induced any other person to vote or refrain from voting at such election, or upon such by-law ;

Hiring teams,  
etc.

7. Every person who hires horses, teams, carriages or other vehicles for the purpose of conveying electors to or from the polls, and every person who receives pay for the use of any horse, team, carriages, or other vehicle, for the purpose of conveying electors to or from any poll as aforesaid. R. S. O., 1897, c. 223, s. 245.

*Undue influence defined.*

Undue influ-  
ence at  
elections.

246. Every person who, directly or indirectly, by himself or by any other person on his behalf, makes use of or threatens to make use of any force, violence or restraint, or inflicts, or threatens the infliction, by himself or by or through any other person, of any injury, damage, harm or loss, or in any manner practises intimidation upon or against any person, in order to induce or compel such person to vote or to refrain from voting, at any municipal election, or at the voting upon any by-law or on account of such person having voted or refrained from voting thereat, or who by abduction, duress, or any fraudulent device or contrivance, impedes, prevents or otherwise interferes with the free exercise of the franchise of a voter, or thereby compels, induces or prevails upon a voter either to give or to refrain from giving his vote at any municipal election, or at the voting upon any by-law, shall be deemed to have committed the offence of undue influence, and shall incur a penalty of \$100, and shall be disqualified from voting at any municipal election or upon a by-law for the next succeeding two years. R. S. O., 1897, c. 223, s. 246.

*Lawful Expenses.*

Lawful  
expenses of  
candidates.

247. The actual personal expenses of a candidate, his expenses for actual professional services performed, and *bona fide* payments for the fair cost of printing and advertising, shall be held to be expenses lawfully incurred ; and the payment thereof shall not be a contravention of this Act. R. S. O., 1897, c. 223, s. 247.

*Evidence as to corrupt practices to be taken viva voce.*

Evidence of  
corrupt prac-  
tices on  
application  
in nature of  
*quo warranto*  
to be taken  
*viva voce*.

248. Where, upon a motion under this Act in the nature of a *quo warranto*, a question is raised as to whether the candidate or any voter has been guilty of any violation of section 245 or 246 of this Act, affidavit evidence shall not be used to prove the offence, but it shall be proved by *viva voce* evidence taken before any County Court Judge, upon an order of reference to him for that purpose by a Judge of the High Court in case  
the



the motion is returnable before a Judge of the High Court, or upon an appointment granted by the County Court Judge in case the motion is returnable before him. R. S. O., 1897, c. 223, s. 248. 3 Edw. VII., c. 18, s. 46.

### *Penalties and Punishments.*

**249.** Any candidate elected at a municipal election, who is found guilty by the Judge, upon the hearing of a motion in the nature of a *quo warranto*, of any act of bribery, or of using undue influence as aforesaid, shall forfeit his seat, and shall be ineligible as a candidate at any municipal election for two years thereafter. R. S. O., 1897, c. 223, s. 249; 3 Edw. VII., c. 18, s. 47. Penalty on candidate guilty of bribery, etc.

**250.** Any person who is adjudged guilty of any offence within the meaning of section 245 of this Act, shall incur a penalty of \$20, and shall be disqualified from voting at any municipal election or upon a by-law for the next succeeding two years. R. S. O., 1897, c. 223, s. 250. Penalty for offences under s. 245.

**251.**—(1) The penalties imposed by the preceding section and by sections 162 and 166 of this Act shall be recoverable, with full costs of suit, by any person who sues for the same in the Division Court having jurisdiction where the offence was committed; and any person against whom judgment is rendered, shall be ineligible, either as a candidate or as a municipal voter, until the amount which he has been condemned to pay is fully paid and satisfied. R. S. O., 1897, c. 223, s. 251. 3 Edw. VII., c. 18, s. 48. Recovery of penalties.

(2) The Judge shall direct that in default of payment of any such penalty and costs within the time fixed by the Judge, the offender shall be imprisoned in the common gaol of the county for such period, not exceeding thirty days, as shall be directed by the said judgment; and in case of such default of payment the Judge shall issue a warrant for the arrest and confinement of the offender in such common gaol in accordance with the said judgment, unless the penalty and costs are sooner paid. *See R.S.O., 1897, c. 223, s. 162 (3).* Imprisonment on non-payment of fine.

### *Report and Record of Judgment.*

**252.** It shall be the duty of the Judge who finds any candidate guilty of a contravention of section 245 or 246 of this Act, or who condemns any person to pay any sum in the Division Court for any offence within the meaning of this Act, to report the same forthwith to the clerk of the municipality wherein the offence has been committed. R.S.O., 1897, c. 223, s. 252. Judge to make return

**253.** The clerk of every municipality shall duly enter in a book, to be kept for that purpose, the names of all persons within Clerk to keep book showing names of persons guilty of offences, etc.

within his municipality who have been adjudged guilty of any offence within the meaning of section 245 or section 246 of this Act, and of which he has been notified by the Judge who tried the case. R.S.O., 1897, c. 223, s. 253.

*Witnesses and Evidence.*

Attendance of witnesses.

**254.** Any witness shall be bound to attend before the County Court Judge upon being served with the order of the County Court Judge directing his attendance and upon payment of the necessary fees for his attendance, in the same manner as if he had been directed by a writ of subpoena so to attend; and he may be punished for contempt, and shall be liable to all the penalties for such non-attendance in the same manner as if he had been served with a subpoena. R. S. O., 1897, c. 223, s. 254.

Witnesses not excused from answering on grounds of self crimination or privilege.

Proviso.

**255.** No person shall be excused from answering any question put to him in any action or other proceeding in any Court or before any Judge, touching or concerning any election or by-law, or the conduct of any person thereat, or in relation thereto, on the ground of any privilege, or on the ground that the answer to the question will tend to criminate such person; but no answer given by any person claiming to be excused on the ground of privilege, or on the ground that such answer will subject him to any penalty under this Act, shall be used, in any proceeding under this Act, against such person, if the Judge gives to the witness a certificate that he claimed the right to be excused on either of the grounds aforesaid, and made full and true answer, to the satisfaction of the Judge. R.S.O., 1897, c. 223, s. 255.

*Limitation of time for Proceedings.*

Limitation of actions.

**256.** All proceedings under this Act other than an application in the nature of a *quo warranto* against any person for any violation of section 245 or 246 of this Act, shall be commenced within four weeks after the municipal election at which the offence is said to have been committed, or within four weeks after the day of the voting upon a by-law as aforesaid. R.S.O., 1897, c. 223, s. 256. 3 Edw. VII., c. 18, s. 49.

*When no penalty recoverable.*

No statutory penalty for corrupt practices at elections, where the party charged has first prosecuted a party jointly liable.

**257.** No pecuniary penalty or forfeiture imposed by this Act shall be recoverable for any act of bribery or corrupt practice at an election, or at the voting upon a by-law in case it appears that the person charged and another person or other persons were together guilty of the act charged, either as giver and receiver, or as accomplices or otherwise, and that the person charged has previously *bona fide* prosecuted such other person or persons or any of them for the said act; but

but this provision shall not apply in case the Judge before Proviso. whom the person claiming the benefit thereof is charged, certifies that it clearly appears to him that the person so charged took the first step towards the commission of the offence charged, and that such person was in fact the principal offender. R.S.O., 1897, c. 223, s. 257. 3 Edw. VII., c. 18, s. 50.

*Publication of Law as to Corrupt Practices.*

**258.** The clerk of every municipality shall, prior to any election, or the voting on any by-law furnish every deputy-returning officer with at least two copies of the sections of this Act, numbered from 245 to 258 inclusive, and it shall be the duty of the deputy-returning officer to post the same in conspicuous places at the polling place of the polling subdivision for which he is deputy-returning officer. R.S.O., 1897, c. 223, s. 258.

Copies of ss. 245-258 to be posted up prior to election.

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## PART IV.

### MEETINGS OF MUNICIPAL COUNCILS.

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DIV. I.—WHEN AND WHERE HELD.

DIV. II.—CONDUCT OF BUSINESS.

DIV. III.—BOARDS OF CONTROL IN CERTAIN CITIES.

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#### DIVISION. I.—WHEN AND WHERE TO BE HELD.

*First meeting after election.* Secs. 259, 260.

*Election of warden.* Secs. 261-263.

*Place of meeting.* Secs. 264-266.

#### *First Meeting of Council.*

**259.** The members of every municipal council (except county councils) shall hold their first meeting at eleven o'clock in the forenoon, on the second Monday of the same January in which they are elected, or on some day thereafter; and the members of every county council shall hold their first meeting at two o'clock in the afternoon, or some hour thereafter, on the fourth Tuesday of the same month, or on some day thereafter. R.S.O., 1897, c. 223, s. 259.

First meeting of council.

**260.** No business shall be proceeded with at the first meeting of the council, until after the declarations of office and qualification have been first administered to all the members who present themselves to take the same. R. S. O., 1897, c. 223, s. 260.

No business before declarations of office, etc.

*Election*



*Election of Warden.*

Election  
of warden.

**261.** The members elect of every county council shall, at their first meeting after a general election of members for the council, at which a majority of the full council are present, and after making the declarations of office and of qualification, organize themselves as a council and elect one of themselves to be warden, and the warden so elected shall hold office until the first meeting in the succeeding year, when a new election of warden shall take place, and the warden chosen at such last mentioned election shall hold office until a new council is organized, as in this section provided. R. S. O., 1897, c. 223, s. 261.

Who to pre-  
side at elec-  
tion.

**262.** At every such election the clerk of the council shall preside, and if there is no clerk, the members present shall select one of themselves to preside, and the person selected may vote as a member. R.S.O., 1897, c. 223, s. 262.

Tie vote for  
warden.

**263.** Where the number of votes cast for two or more members upon the election of a warden is even, and no election can be had during the first day of meeting, if no choice is made after two votes have been taken in the council on the second day, the senior member representing the division having the largest equalized assessment shall have two votes; but should two divisions have the same equalized assessment, then the senior member representing that division which has the larger number of voters according to the last revised voters' lists shall have two votes.

(a) The words "senior member" in this section shall mean that member for such division who received at the last preceding election the higher number of votes in his division.

(b) Where the two county councillors from such division have each an equal number of votes, or where they have been elected by acclamation, the clerk shall in open council draw lots to ascertain which one of the two shall give the casting vote. R.S.O. 1897, c. 223, s. 263; 62 V. (2) c. 26, s. 19 (1); 3 Edw. VII., c. 18, s. 51.

*Place of Meeting.*

Place of first  
meeting.

**264.** The members of every county council shall hold their first meeting at the county hall if there is one, or otherwise at the county court-house. R.S.O., 1897, c. 223, s. 264.

Place of sub-  
sequent meet-  
ings of county  
council, etc.

**265.** The subsequent meetings of the county council, and all the meetings of every other council shall be held at such place, as the council from time to time appoints by resolution on adjourning, and every such resolution shall be entered upon the minutes. R.S.O., 1897, c. 223, s. 265; 3 Edw. VII., c. 18, s. 52



**266.** The council of any county or township in which any city, town, or village lies, may hold its sittings, keep its public offices, and transact all the business of the council and of its officers and servants, within such city, town or village, and may purchase and hold such real property therein as may be convenient for such purposes. R.S.O., 1897, c. 223, s. 266.

When place of meeting may be in another municipality.

## DIVISION II.—CONDUCT OF BUSINESS.

*Ordinary meetings to be open to public.* Sec. 267.

*Quorum.* Secs. 268, 269.

*Who to preside.* Secs. 270-274.

*Special meetings.* Secs. 271.

*Presiding officer may vote.* Sec. 274.

*Equality of votes negatives question.* Sec. 274.

*Power to adjourn.* Sec. 275.

**267.** Every council shall hold its ordinary meetings openly and no person shall be excluded except for improper conduct but the head or other chairman of the council may expel and exclude from any meeting, any person who has been guilty of improper conduct at such meeting. R.S.O., 1897, c. 223, s. 267.

Ordinary meetings to be open.

**268.** A majority of the whole number of members required by law to constitute the council shall be necessary to form a quorum. R.S.O., 1897, c. 223, s. 268.

Quorum.

**269.** Where a council consists of only five members, the concurrent votes of at least three not disqualified to vote on the question shall be necessary to carry any resolution or other measure. R.S.O., 1897, c. 223, s. 269; 3 Edw. VII., c. 18, s. 53.

In councils of five, three must concur.

**270.**—(1) The head of every council shall preside at the meetings of the council, and may at any time summon a special meeting thereof; and it shall be his duty to summon a special meeting whenever requested in writing by a majority of the members of the council so to do.

Head of councils to preside.  
Special meetings.

(2) In case of the absence or death of the mayor or head of the council, a special meeting may be summoned at any time by the clerk upon a special requisition to him, signed by a majority of the members of the council. R.S.O., 1897, c. 223, s. 270.

Summoning special meetings in absence of the head.

**271.** In case there is no by-law or resolution of a council fixing the place of meeting, any special meeting of the council shall be held at the place where the then last meeting of the council was held, and a special meeting may be either open or closed as in the opinion of the council, (expressed by resolution in writing) the public interest requires. R. S. O., 1897, c. 223, s. 271; 3 Edw. VII., c. 18, s. 54.

Special meeting, where to be held.

May be either open or closed.

Appointment  
of president  
of council.

**272.** In the case of the absence of the head of the council from illness or any other cause, or in case his office is vacant, the council may, from among the members thereof, appoint a presiding officer, who during such absence or vacancy, shall have all the powers of the head of the council. R. S. O., 1897, c. 223, s. 272.

Casual  
absence  
provided for.

**273.** If the person who ought to preside at any meeting does not attend within fifteen minutes after the hour appointed, the members present may appoint a chairman from amongst themselves, and such chairman shall have the same authority in presiding at the meeting as the absent person would have had if present. R. S. O., 1897, c. 223, s. 273.

Head may  
vote.

Question  
negatived in  
case of equal-  
ity of votes.

**274.** The head of the council, or the presiding officer or chairman of any meeting of any council, except in cases where he is disqualified to vote by reason of interest or otherwise, may vote with the other members on all questions; and, except where otherwise expressly provided by this Act, any question on which there is an equality of votes shall be deemed to be negatived. 3 Edw. VII., c. 18, s. 55.

Voting to be  
open and to be  
recorded.

**274a.** Whenever a division is taken in a municipal council either upon the appointment of an officer of the corporation, the election of a warden or other presiding officer of the council or upon a by-law, resolution or for any other purpose, each member of the council present voting shall announce his vote upon the question openly and individually in the council, and the clerk shall record the same; and no vote shall be taken by ballot or by any other method of secret voting in any municipal council, and every vote so taken shall be void and of no effect. 62 V. (2), c. 26, s. 19 (2).

Adjournment.

**275.** Every council may adjourn its meetings from time to time. R. S. O., 1897, c. 223, s. 275.

#### DIVISION III.—BOARDS OF CONTROL IN CERTAIN CITIES.

*How constituted in Cities of 100,000—Remuneration—*

*Term of office—Removal* Sec. 276

*In Cities of more than 45,000 and less than 100,000. Sec*

*276a.*

*In City of Toronto. Sec. 276b.*

*Duties. Sec. 277.*

Constitution  
of board of  
control in  
cities of  
100,000  
or over.

**276.**—(1) In cities having a population of 100,000 or more there shall be a Board of Control, to consist of the mayor and four aldermen, three of whom shall form a quorum. Such four aldermen shall be elected by the council at the first meeting of the council for the year, or in case of failure to elect at such meeting, then within one week thereafter. R. S. O., 1897, c. 223, s. 276 (1); 63 V. c. 33, s. 7, *part*.

(2)

(2) Upon the election of the said four members of the Board of Control, the names of all the candidates shall be submitted to the council and shall be voted for at the same time; and each member of the council shall for the purpose of such election be entitled to as many votes as there are candidates to be elected, but he shall not give to one candidate more than one vote. R.S.O., 1897, c. 223, s. 276 (2); 62 V. (2), c. 26, s. 19 (3); 63 V., c. 33, s. 7, *part*.

Voting upon election of board.

(3) The mayor, when present, shall preside at the meetings of the board, and in the absence of the mayor the board shall select one of their number to preside. R. S. O., 1897, c. 223, s. 276 (3); 63 V., c. 33, s. 7.

Who to preside at meetings of board.

(4) The council may fix by by-law the salaries to be paid to the members of the Board of Control, but the same shall not exceed for each member the sum of \$1,000 per annum.

Salaries of board.

(5) The elective members of the Board of Control shall hold office for the remainder of the municipal year in which they are elected, unless removed; but they shall, if members of the council, be eligible for re-election. In case any member of the board dies, resigns or becomes incapable of acting, the council may, at a meeting called for that purpose, elect a successor to hold office for the unexpired portion of the term of such member; or in case of the temporary absence of any member for more than one month, or of his inability to act, his place may be temporarily filled by the council.

Term of office.

(6) The election or appointment of any alderman as a member of the Board of Control shall not render him ineligible for election as chairman of any committee.

Chairman of committee may be elected.

(7) The council at any time, after three days' notice in writing to each member of the council, may, by an affirmative vote of two-thirds of the members of the council present and voting, remove any member of the Board of Control other than the mayor, and may after such removal proceed to fill the vacancy thus created. But such removal and the filling of the vacancy shall take place only at a meeting specially called for such purpose. R.S.O., 1897, c. 223, s. 276 (4)-(7).

Removal of members of board.

**276a.**—(1) The council of any city having a population of less than 100,000 but more than 45,000, may by by-law, to be passed at their first meeting in the month of January in any year, provide for a Board of Control to be constituted in the same manner and with the same powers and duties as a Board of Control in cities having a population of 100,000 or more. But the salaries to be paid to members of the Board shall not exceed for each member the sum of \$400 per annum.

Boards of Control in cities of more than 45,000 and less than 100,000.

(2) No by-law passed under the powers conferred by this section shall be repealed within five years from the adoption thereof

thereof



thereof, and such by-law shall in no case be repealed except upon a two thirds vote of the members of the council, in favour of such repeal.

(3) This section shall not apply to the City of Hamilton. 62 V. (2), c. 26, s. 20.

Council and  
Board of  
Control in  
City of  
Toronto.

**276b.**—(1) Notwithstanding anything in this Act or in any special Act contained upon and from the date of the next municipal elections, the municipal council of the City of Toronto shall thereafter consist of the mayor and four controllers to be elected from the city at large, and eighteen aldermen, three of whom shall be elected from each of the six wards of the city and the four controllers so elected, together with the mayor, shall be the Board of Control for the said city.

Election of  
controllers  
and aldermen.

(2) Each elector entitled to vote for mayor shall also be entitled to vote for four persons to be elected controllers, or for one or more thereof less than four, and the aldermen shall be elected in the manner at present provided by law by the municipal electors entitled to vote in each of the wards in which they may be qualified so to vote.

Nomination  
of controllers.

(3) The candidates for the office of controller shall be nominated at the same time and place and in the same manner as candidates for the office of mayor are nominated, and the provisions of this Act providing for the nomination and election of a mayor, including election by acclamation and the filling of any vacancy that may occur in the said office, shall except as otherwise provided herein *mutatis mutandis* apply to the nomination and election of controllers.

Cumulative  
voting for  
controllers.

(4) Any person desiring to vote for a controller or for controllers shall do so by placing a cross opposite the name or names of the candidates for whom he so desires to vote, and if he desires to give more than one vote for any of such candidates he shall place opposite the name of such candidate as many crosses (not exceeding four) as he desires to give votes for such candidate, but in no case shall he give more than four votes, and any ballot containing more than four votes for a controller or controllers shall be rejected so far as the votes for controllers are concerned.

Additional  
qualifications.

(5) No person shall be qualified to be elected to the position of controller who has not served for at least two years as a member of the city council prior to the date of his nomination as controller in addition to possessing the property and other qualification as required for mayor by section 76 of this Act.

Directions to  
voters.

(6) Where at any election in the City of Toronto four controllers are to be elected, there shall be added to the directions



tions contained in Schedule B. of this Act the following paragraph specially applicable to the election of controllers :—

Where four controllers are to be elected and the voter desires to give one, two, three or four votes for one or more candidates, he shall place one cross **X** or two crosses thus **XX** or three crosses thus **XXX** or four crosses thus **XXXX** (as he may desire) on the right hand side opposite the name of candidate for whom he votes. Directions to voters.

(7) All powers, duties and obligations given, conferred or placed upon aldermen in cities shall be possessed and exercised by, and shall be binding upon any controller provided for under this section. Controllers to have powers of aldermen.

(8) Subsections 1, 2, 5, 6 and 7 of section 276 of this Act shall not apply to the City of Toronto. General provisions not applicable.

**277.**—(1) It shall be the duty of the Board of Control :— Duties of Board of Control.

(a) To prepare an estimate of the proposed expenditure of the year and certify the same to the council for its consideration. The council shall not appropriate or expend, nor shall any officer thereof expend or direct the expenditure of, any sum or sums not included in or provided for by such estimates or in or by any special or supplementary estimates duly certified by the board to the council, without the affirmative vote of two-thirds of the members of the council present and voting, authorizing such additional appropriation or expenditure. But this prohibition shall not extend to the payment of any debenture or other debt or liability lawfully contracted and payable, nor to the interest thereon. Preparing estimates.

(b) To prepare specifications for and award all contracts and for that purpose to call for all tenders for works, material and supplies, implements or machinery or any other goods or property required and which may lawfully be purchased for the use of the corporation, and to report their action to the council at its next meeting. Upon the opening of any tenders, the chairman or board shall require the presence of the head of the department or sub-department with which the subject matter of such tender is connected, and of the city solicitor when required. Such head of department may take part in any discussion at the board relating to such tenders, but shall not be entitled to vote. The council shall not, unless upon an affirmative vote of at least two-thirds of the members of the council present and voting, reverse or vary the action of the Board of Control in respect of such tender and decision of the board thereon, when the effect of such vote would be to increase the cost of the work or to award the contract to a tenderer other than that one to whom the Board of Control has awarded it. Awarding contracts.

(c)

Inspecting  
municipal  
works.

(c) To inspect and report to the council monthly or oftener upon all municipal works being carried on or in progress within the city.

Nominating  
officers of  
corporation.

(d) To nominate to the council all heads of departments and sub-departments in case of any vacancy and, after a favourable report by the head of the department, any other officer of the corporation required to be appointed by by-law or resolution of the council, and any other permanent officers, clerks or assistants, and to recommend the salaries of all officers and clerks; and no head of department or sub-department or other permanent officer, clerk or assistant as aforesaid shall be appointed or selected by the council in the absence of such nomination without an affirmative vote of at least two-thirds of the members of the council present and voting; but the council may, by a majority vote, refer such nomination back to the Board of Control for reconsideration.

Suspension or  
dismissal of  
officers.

(e) To dismiss or suspend any head of a department and forthwith to report such dismissal or suspension to the council. Where any head of department has been dismissed by the board, he shall not be reappointed or reinstated by the council unless upon an affirmative vote of at least two-thirds of the members of the council present and voting.

Other duties.

(f) To discharge all other duties heretofore assigned to or discharged by the Board of Administration under any by-law of the municipality.

Controlling  
appointment  
and duties of  
subordinate  
officers.

(2) In the absence of any by-law of the council prescribing the mode of appointment of all or any other subordinate officers, clerks, assistants, employees, servants and workmen not included in clauses (d) and (e) of the preceding subsection and required by any department or sub-department for the due and proper discharge and performance of the duties and work thereof, the board may by regulation or resolution direct by whom and in what manner such subordinate officers, assistants, employees, servants or workmen shall be appointed, engaged or employed.

Submission of  
by-laws, etc.

(3) The board may from time to time, submit proposed by-laws to the council, and where in the opinion of the board it is desirable, may amalgamate departments or sub-departments.

Secretary of  
board.

(4) The board may appoint a secretary or clerk whose duty it shall be to keep minutes of all proceedings of the board and prepare all reports and other proceedings of the board; and he shall perform such other duties and services as may be assigned to him from time to time by the board, the mayor or the council.

Council may  
impose other  
duties on  
board. §

(5) The council may by by-law or resolution impose upon or assign to the Board of Control such other duties as to the council may seem meet. And the board shall, when so required by resolution of the council, and upon one week's notice thereof, return to the council copies of the minutes of its meetings,

meetings, and any other information in their possession which the council may require.

(6) Nothing in this section contained shall prevent the council (by a vote of the majority of the members of the council present and voting), from referring back to the Board of Control any report, question, matter or thing for reconsideration. Referring back matters for reconsideration by board.

(7) In all cases where it is sought in council to reverse, set aside or vary the action of the Board of Control, or where a two-thirds vote of the members of the council present and voting is required for any purpose, the vote by yeas and nays shall be recorded in the minutes of the council. R. S. O. 1897, c. 223, s. 277 (1)-(7). Recording votes on action of board.

(8) The public school board, the separate school board and the high school board, the board of police commissioners and the board of management of the public library of the city respectively, shall furnish to the said Board of Control on or before the first day of March in each year, their several and respective annual estimates. R. S. O. 1897, c. 223 s. 277 (8); 3 Edw. VII. c. 18, s. 57. School boards etc., to send in estimates before 1st March.

(9) Clause (d) of subsection 1 of this section shall not apply to any member of the fire department of the city, except the head thereof, nor to any assessor except the assessment commissioner, nor to the representatives (if any) of the council at or upon the board of any harbour trust, or of any corporation to which the council is entitled to elect a representative, nor to the members of the Court of Revision of the city. And nothing in this section contained shall deprive any head of department of the power which he possessed on the 7th day of April, 1896, under any by-law or otherwise, to dismiss any subordinate officer, clerk or employee. Certain officers not to be nominated by board.

(10) Notwithstanding anything in this Act contained, the duties herein assigned to the Board of Control shall be discharged exclusively by the said Board, except in the cases provided for in sub-section 3 of this section. R. S. O., 1897, c. 223, s. 277 (9) (10). Exclusive rights of board.

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## PART V.

### OFFICERS OF MUNICIPAL CORPORATIONS.

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[ DIV. I.—THE HEAD.

. DIV. II.—THE CLERK.

DIV. III.

DIV. III.—THE TREASURER.

DIV. IV.—ASSESSORS AND COLLECTORS.

DIV. V.—AUDITORS AND AUDIT.

DIV. VI.—VALUATORS.

DIV. VII.—DUTIES OF OFFICERS RESPECTING OATHS AND DECLARATIONS.

DIV. VIII.—SALARIES, TENURE OF OFFICE AND SECURITY.

DIV. IX.—JUDICIAL INVESTIGATION OF MUNICIPAL MANAGEMENT.

### DIVISION I.—THE HEAD.

*Who to be. Sec. 278.*

*Duties. Sec. 279.*

*Remuneration. Sec. 280.*

*Mayor of city or town may call out posse comitatus. Sec. 281.*

Who to be  
head of  
council.

**278.** The head of every county and provisional county corporation shall be the warden thereof, and of every city and town the mayor thereof, and of every township and village the reeve thereof. R. S. O., 1897, c. 223, s. 278.

Duties of head  
of council.

**279.** The head of the council shall be chief executive officer of the corporation; and it shall be his duty to be vigilant and active at all times in causing the law for the government of the municipality to be duly executed and put in force; to inspect the conduct of all subordinate officers in the government thereof, and, as far as may be in his power, to cause all negligence, carelessness and positive violation of duty to be duly prosecuted and punished, and to communicate from time to time to the council all such information; and recommend such measures within the powers of the council as may tend to the improvement of the finances, health, security, cleanliness, comfort and ornament of the municipality. R. S. O., 1897, c. 223, s. 279.

Remuneration  
of mayor, etc.

**280.** The head of the council of any county, city, town or village may be paid such annual sum or other remuneration as the council of the municipality may determine. R. S. O., 1897, c. 223, s. 280.



**281.** The mayor of any city or town may call out the *posse comitatus* to enforce the law within his municipality should exigencies require it, but only under the same circumstances in which the sheriff of a county may now by law do so. R. S. O., 1897, c. 223, s. 281.

Mayor may call out *posse comitatus*.

## DIVISION II.—THE CLERK.

*Appointment and duties of.* Sec. 282.

*Absence of.* Sec. 283.

*Records and papers may be inspected.* Sec. 284.

*Return of statistics.* Sec. 285, 286.

*Penalties.* Sec. 287.

**282.** Every council shall appoint a clerk; and the clerk shall truly record in a book, without note or comment, all resolutions, decisions and other proceedings of the council, and, if required by any member present, shall record the name and vote of every member voting on any matter submitted, and shall keep the books, records and accounts of the council, and shall preserve and file all accounts acted upon by the council, and also the originals or certified copies of all by-laws, and of all minutes of the proceedings of the council, all of which he shall so keep in his office, or in the place appointed by by-law of the council. R. S. O., 1897, c. 223, s. 282.

Appointment of clerk, and his duties.

**283.** The council may by resolution provide that, in case the clerk is absent, or incapable through illness of performing the duties of clerk, some other person to be named in the resolution, or to be appointed under the hand and seal of such clerk, shall act in his stead; and the person so appointed shall, while he so acts, have all the powers of the clerk. R. S. O., 1897, c. 223, s. 283.

Provision for absence, etc., of clerk.

**284.**—(1) Any person may, at all reasonable times, inspect any of the particulars aforesaid, as well as the minutes and proceedings of committees of the council, whether the acts of such committees have been adopted or not, and also the assessment rolls, voters' lists, poll books, and other documents in the possession of or under the control of the clerk and the clerk shall, within a reasonable time, furnish copies thereof to any applicant at the rate of ten cents per hundred words, or at such lower rates as the council appoints, and shall, on payment of the proper fee therefor,

Minutes, etc., to be open to inspection.

Copies to be furnished, and charges therefor, etc.

therefor, furnish within a reasonable time, to any elector of the municipality, or to any other person interested in any by-law, order or resolution, or to his solicitor, a copy of such by-law, order or resolution, certified under his hand, and under the corporate seal. R.S.O. 1897, c. 223, s. 284 (1); 3 Edw. VII. c. 18, s. 58.

Documents certified by clerk to be receivable in evidence.

(2) A copy of any document in the possession of or under the control of the clerk of the municipality, certified under his hand and under the corporate seal of the municipality, may, after the original thereof has been produced from the proper custody, be filed in any Court in lieu of such original, and shall be received in evidence without proof of the seal of the corporation or of the signature or official character of the person appearing to have signed the same, and without further proof thereof unless the Court or Judge otherwise directs. R. S. O., 1897, c. 223, s. 284 (2).

Returns to be made to Bureau of Industries.

**285.**—(1) The clerk of every municipality shall in each year, within one week after the final revision of the assessment roll, under a penalty of \$20 in case of default, make a return to the Secretary of the Bureau of Industries, Toronto, on schedules or forms furnished by the said Secretary, and approved by the Lieutenant-Governor in Council, of such statistics or information as the assessment roll or other records of his office afford, and as such schedules or forms call for; and every such return shall be transmitted by mail in a registered package. R.S.O. 1897, c. 223, s. 285 (1).

Advertisement of debt by-law to be sent to Bureau.

(2) The clerk of every municipality shall, within one month after the final passing of every by-law for creating a debt, send to the Secretary of the Bureau of Industries, one copy of the newspaper advertisement required under section 338 of this Act. R.S.O. 1897, c. 223, s. 285 (2); 3 Edw. VII. c. 18, s. 59.

Tabulated statement of returns to be made by secretary of Bureau.

(3) The Secretary of the Bureau of Industries shall, as soon as may be, after the opening of every Session of the Legislature, report to the Minister of Agriculture, for the purpose of being laid before the Legislative Assembly, a tabulated statement of all the returns hereby required to be made.

Moneys payable to municipalities in default to be retained.

(4) The Treasurer of the Province shall retain in his hands any moneys payable to any municipality, if it is certified to him by the Secretary of the Bureau of Industries that the clerk of such municipality has not made the returns hereby required. R.S.O., 1897, c. 223, s. 285 (3) (4).

Clerk to make annual return to Minister of Agriculture as to number of steam boilers in the municipality.

**286.** The clerk of every municipality shall, on the first day of June in each year, return to the Minister of Agriculture the number of steam boilers in the municipality used for driving machinery or for any manufacturing purpose as shown by the last assessment roll of the municipality. R.S.O., 1897. c. 223, s. 286.

Penalty on clerks failing

**287.** If any clerk refuses or neglects to perform the duty required of him by the preceding section, he shall, upon conviction

conviction thereof before any Court of competent jurisdiction in the county in which he is clerk, forfeit to His Majesty such sum as the Court may order and adjudge, not exceeding \$100. R.S.O., 1897, c. 223, s. 287. to make return under s. 286.

### DIVISION III.—THE TREASURER.

*His appointment, security, duties, etc. Secs. 288-293, 294a.*  
*Powers of successor, when treasurer is dismissed or absconds*  
*Sec. 294.*

*Annual statement by Registrar of Deeds. Sec. 294b.*

**288.** Every municipal council shall appoint a treasurer, who may be paid either by salary or by a percentage; and every treasurer, before entering upon the duties of his office, shall give such security as the council directs for the faithful performance of his duties, and especially for duly accounting for and paying over all moneys which may come into his hands; and it shall be the duty of every council, in each and every year, to inquire into the sufficiency of the security given by the treasurer, and to report thereon. R.S.O., 1897, c. 223, s. 288. Treasurer to be appointed.  
To give security.  
Annual inquiry as to sufficiency of.

**289.**—(1) In case of the death of a county treasurer, the warden for the time being may, by warrant under his hand and seal, appoint for such special purpose or purposes as the warden may deem necessary, a treasurer *pro tempore*, who shall hold office until the next meeting of the council; and all acts performed by him, and authorized by the said warrant, shall be as valid and binding as if performed by a treasurer regularly appointed. Appointment of county treasurer *pro tem*.

(2) The warden shall, in and by such warrant of appointment, direct what security shall be given by such treasurer *pro tempore* for the faithful performance of his duties, and especially for duly accounting for, and paying over, all moneys which may come into his hands, and such treasurer *pro tempore* shall, before entering upon his duties, give such security, but he shall not interfere with the books, vouchers, or accounts of the deceased treasurer until a proper audit thereof has been made. R.S.O., 1897, c. 223, s. 289. Security to be given by.

**290.** Every treasurer shall receive, and safely keep, all moneys belonging to the corporation, and shall pay out the same to such persons and in such manner as the laws of the Province, and the by-laws or resolutions of the council of the municipal corporation, whose officer he is, direct; but save as provided by sections 537 and 538 of this Act, no member of the council shall receive any money from such treasurer for any work performed or to be performed; and the treasurer shall not be liable to an action for any To receive and take care of and disburse moneys, etc.



His liability  
limited.

moneys paid by him in accordance with any by-law or resolution passed by the council of the municipality of which he is the treasurer, unless where another disposition of such moneys is expressly made by statute. R.S.O., 1897. c. 223, s. 290; 62 V. (1) c. 2 *Sched.* (7). 3 Edw. VII. c. 18, s. 60.

Books to be  
kept by  
treasurers, etc.

**291.**—(1) The treasurer shall keep a book to be known as the “cash-book,” on the left-hand page of which he shall enter in consecutive order all sums of money received by him, the dates of the receipt thereof, the names of the persons from whom and on what account the same were received and the amounts thereof, and on the right-hand page of which he shall in like order enter all moneys paid out by him, the dates of the payment thereof, the persons to whom and on what account the same were paid, and the amounts thereof.

(2) The cash-book shall at all times be open for inspection by any member of the council and by the auditors, and shall be produced and exhibited by the treasurer at all meetings of the council at which he shall be directed to produce it; and at the times of such meetings it shall show the balance on hand in two items—that is to say, (1) the balance deposited to the credit of the municipality; and (2) the balance in the hands of the treasurer; and the treasurer shall also produce and exhibit at every such meeting the proper book verifying the balance so deposited.

(3) No entry other than a cash entry shall be made in the cash-book; but the treasurer shall keep a book to be known as the “journal,” in which he shall duly enter all debits and credits not consisting of cash.

(4) The term “cash” shall mean lawful currency of Canada, cheques and such other representatives of cash as are usually received and credited as cash by the chartered banks of Canada.

(5) The treasurer shall open an account in the name of the municipality in such of the chartered banks of Canada or at such other place of deposit as may be approved of by the council, and shall deposit to the credit of such account all moneys received by him.

(6) The cash-book and journal shall be provided at the expense of, and shall be the property of, the municipality.

Enactments  
in section to be  
in force until  
altered by  
by-law.

(7) The provisions contained in this section shall be in force in every county, city, town and village, except in so far as altered, amended or declared not to be in force in the municipality by the council thereof, and shall apply to and be in force in every township the council of which so enacts by by-law. R. S. O., 1897, c. 223, s. 291.

[For provision requiring the treasurer to keep the money of the corporation separate from his own, see R. S. O., 1897, c. 228, Sec. 20.]



**292.** Every treasurer shall also prepare and submit to the council, half-yearly, a correct statement of the moneys at the credit of the corporation whose officer he is; and in cities, towns, villages and townships which have passed by-laws requiring this to be done, the treasurer shall, on or before the 20th day of December in each year, prepare and transmit to the clerk of the municipality a list of all persons who have not paid their municipal taxes on or before the 14th day of said month of December. R. S. O., 1897, c. 223, s. 292.

Half-yearly statement of assets.

Annual list of persons in default for taxes

*[As to delivery by registrars to treasurers of cities of duplicate plans or maps of surveys or subdivisions of land in cities or towns, see Registry Act, R. S. O., 1897, c. 136, Sec. 112.]*

**293.**—(1) The treasurer of every municipality shall, on or before the first day of May in each year, under a penalty of \$20 in case of default, furnish to the Secretary of the Bureau of Industries, Toronto, on schedules or forms furnished by said Secretary and approved by the Lieutenant-Governor in Council, such information or statistics regarding the finances or accounts of the municipality, as such schedules or forms call for, and every such return shall be transmitted by mail in a registered package.

Returns to be made to Bureau of Industries.

(2) The Secretary of the Bureau of Industries, shall, as soon as may be, after the opening of every Session of the Legislature, report to the Minister of Agriculture for the purpose of being laid before the Legislative Assembly, a tabulated statement of all the returns hereby required to be made.

Tabulated statement of returns to be made by secretary of Bureau.

(3) The Treasurer of the Province shall retain in his hands any moneys payable to any municipality, if it is certified to him by the Secretary of the Bureau of Industries, that the treasurer of such municipality has not made the returns hereby required. R. S. O., 1897, c. 223, s. 293.

Moneys payable to municipalities in default to be retained.

**294.** In case any treasurer is dismissed from office, or absconds, it shall be lawful for his successor to draw any moneys belonging to the municipality, and the council shall forthwith give notice of such dismissal to the sureties of such treasurer. R. S. O., 1897, c. 223, s. 294; 3 Edw. VII., c. 18, s. 61.

Provision on dismissal from office.

**294 a**—(1) The treasurer of every municipality paying money to the treasurer of any other municipality, shall, on or before the seventh day of January in each year, make up a statement in detail showing the amounts of such payments and the dates of the same for the year ending on the thirty-first day of December last preceding, and he shall transmit such statement by registered letter to the head of the municipality, to whose treasurer the payments have been made.

Treasurer making payments to other municipalities to send statement to head.

(2) The head of every municipality, upon receiving such statement, shall cause the same to be read at the meeting of the

the

the council and shall also deliver the statement to the auditors of his municipality before the auditing of the accounts of the previous year. 61 V., c. 23, s. 11.

Registrars to  
send state-  
ment of  
amounts paid  
to head of  
municipality.

**294 b.** Every registrar of deeds shall, on or before the seventh day of January in each year, make up and transmit to the head of any municipality to which he has made payments in accordance with the provisions of the *Registry Act* during the preceding year, a statement signed by him showing the amounts so paid and the dates of payment, and the head of the municipality receiving such statements shall cause same to be laid before the auditors when auditing the accounts of the previous year, and shall also read such statements at the first meeting of the council held after the receipt thereof. 61 V., c. 23, s. 12.

#### DIVISION IV.—ASSESSORS AND COLLECTORS.

*Appointment of. Secs. 295, 296.*

*Assessment Commissioner—Board of Assessors. Sec. 296*

*Township Collectors to act for Provisional Corporations—*

*Disposal of moneys. Secs. 297, 298.*

Assessors and  
collectors, ap-  
pointment of.

**295.**—(1) The council of every city, town, township, and village, shall, as soon as may be convenient after the annual election, appoint as many assessors and collectors for the municipality as they may think necessary, and shall fill up any vacancy that occurs in the said offices as soon as may be convenient after the same occurs; but the council shall not appoint as assessor or collector a member of the council or the clerk or treasurer of the municipality.

Person, con-  
victed of  
treason etc.,  
disqualified.

(2) No person convicted of treason, felony or any infamous crime (unless he has obtained a free pardon or served the term of imprisonment or paid the penalty imposed under the sentence), and no person under outlawry, shall be qualified to act as assessor or collector.

Regulations  
of council as  
to duties of

(3) The council may assign to such assessors and collectors the assessment district or districts within which they are to act, and may prescribe regulations for governing them in the performance of their duties.

Same person  
may act in  
more than one  
ward or poll-  
ing sub-  
division.

(4) The same person may, in a city, town or township, be appointed assessor or collector for more than one ward or polling subdivision.

(5)

(5) In municipalities which have passed by-laws requiring taxes to be paid on or before the 14th day of December, it shall be the duty of the collectors, on the 15th day of December in each year to return, upon oath, to the treasurer the names of all persons who have not paid their municipal taxes on or before the 14th day of the said month of December. R. S. O., 1897, c. 223, s. 295.

Returns by collector of persons in default.

**296.**—(1) In cities and towns, the council, instead of appointing assessors under the preceding section, may appoint an assessment commissioner, who, in conjunction with the mayor for the time being, shall, from time to time, appoint such assessors and valutors as may be necessary, and such commissioner, assessors, and valutors shall constitute a board of assessors, and shall possess all the powers and perform the duties of assessors appointed under the last preceding section.

In cities and towns, assessment commissioner may be appointed instead of assessors, etc.

(2) The council shall also have power, by by-law, to determine the number of collectors to be appointed, and to prescribe their duties.

Number of collectors

(3) Any commissioner, assessor or collector appointed in any city need not be appointed annually, but shall hold office at the pleasure of the council.

Tenure of office of commissioner, assessors, etc.

(4) All notices (in other municipalities required to be given to the clerk of the municipality in matters relative to assessment) shall in such city be given to the assessment commissioner. R. S. O., 1897, c. 223, s. 296.

Notices.

[As to delivery by registrars to assessment commissioners in cities on request, of duplicate plans or maps of every survey or subdivision of lands therein, and the furnishing of lists of absolute conveyances, see R.S.O., Cap. 136, Secs. 112 and 125.]

Rev. Stat. c. 36.

**297.** The collectors of the several townships in a junior county of a union of counties shall, *ex officio*, be collectors in such townships for the provisional council, and the collectors shall pay over to the provisional treasurer the money which they collect under any by-law of the provisional council. R. S. O., 1897, c. 223, s. 297.

Collectors for provisional council.

Payments.

**298.** The money so collected shall be deemed the money of the union, so far as may be necessary to make the collectors and their sureties responsible therefor to the union; and in case the corporation of the union receives the same, such corporation shall immediately pay the amount to the provisional treasurer, retaining the expenses of collection. R.S.O., 1897, c. 223, s. 298.

Moneys, how to be disposed of.

#### DIVISION V.—AUDITORS AND AUDIT.

*Appointment and duties. Secs. 299-305.*

*Special provisions relating to Toronto. Sec. 300.*

*Publication*



*Publication of abstract and statement of receipts and expenditure. Sec. 306.*

*Council to finally audit. Sec. 307.*

*County council to regulate and audit county moneys Sec. 308.*

*Permanent appointments. Sec. 309.*

#### Auditors.

Disqualifica-  
tion for office  
of.

**299.**—(1) Subject to the provisions of the next two sections and section 309, every council shall at the first meeting thereof in every year after being duly organized, appoint two auditors, but no one who, at such time, or during the preceeding year, is or was a member, or is or was clerk or treasurer of the council, or who has, or during the preceding year had, directly or indirectly, alone or in conjunction with any other person, a share or interest in any contract or employment with or on behalf of the corporation, except as auditor, shall be appointed an auditor. R.S.O., 1897. c. 223, s. 299 (1); 61 V. c. 23, s. 8; 3 Edw. VII., c. 18, s. 62.

(2) In the event of an auditor so appointed to audit the accounts of a county refusing, or being unable to act, the head of the council shall nominate another person to act in his stead.

(3) The person so to be appointed by the head of the council shall not be a person in his employment. R. S. O., 1897, c. 223, s. 299 (2) (3).

Appointment  
of auditors  
for Toronto.

**300.**—(1) The council of the corporation of the City of Toronto shall appoint two auditors, who shall hold office during pleasure.

Treasurer to  
prepare  
abstract.

(2) The treasurer shall prepare in duplicate, not later than the first day of April in each year, an abstract of the receipts and expenditure of the city for the year ending on the 31st of December preceding, and of the assets and liabilities thereof at that date, and shall submit the same to the auditors for examination. The auditors shall audit such abstract with the treasurer's books, and shall make a report on all accounts audited by them, and a special report as to any expenditure made contrary to law; and on or before the first day of May they shall transmit one copy of the said abstract with their report thereon to the Secretary of the Bureau of Industries, Toronto, and file the other in the office of the clerk of the council; and thereafter any resident of the municipality may inspect the same at all reasonable hours, and may, by himself or his agent, at his own expense take a copy thereof or extracts therefrom. R. S. O., 1897, c. 223, s. 300.

Report of  
auditors  
thereon.

Auditors'  
report may be  
inspected.

Appointment  
of auditors in  
November or  
December.

**301.**—(1) The council of any municipality may pass a by-law declaring that it is expedient to appoint an auditor or auditors for the municipality in the month of November or in the



the month of December in each year for the succeeding year, and thereafter while such by-law remains in force, the council shall appoint an auditor or auditors in the month of November, or in the month of December, for the following year according to the tenor of the by-law, instead of at its first meeting after being duly organized. 61 Vic., c. 23, s. 9; 3 Edw. VII., c. 18, s. 63.

(2) Notwithstanding this section, or any such by-law, the provisions of section 299 of this Act, as to the appointment of auditors, shall apply to the audit of the accounts of the year in which such by-law takes effect. R.S.O., 1897, c. 223, s. 301 (2).

Application of existing laws as to appointment of auditors.

**302.** The auditors appointed under the next preceding two sections shall, every month, commencing at the end of the first month in the year following the said month of December, and so on to the end of such year, examine and report upon all accounts affecting the corporation, or relating to any matter under its control, or within its jurisdiction, and after the examination of every account, voucher, receipt and paid debenture submitted to them for audit they shall stamp in indelible letters thereon the word "audited," and shall also initial the same, and the municipality shall furnish a suitable stamp and pad for that purpose. R.S.O., 1897, c. 223, s. 302; 61 V. c. 23, s. 13.

Duty of auditors.

**303.** The council of a city, in the event of a vacancy in the office of auditor happening by death, resignation or otherwise, may, by by-law, fill such vacancy, and the person so appointed shall hold office for the remainder of the year for which the original appointment was made. R. S. O., 1897, c. 223, s. 303.

Filling vacancies.

**304.—(1)** The auditors appointed under section 299 shall examine and report upon all accounts affecting the corporation, or relating to any matter under its control or within its jurisdiction for the year ending on the 31st day of December preceding their appointment. R.S.O., 1897, c. 223, s. 304 (1); 3 Edw. VII., c. 18, s. 64 (1).

Duties of auditors.

(2) The auditor or auditors of every municipality other than the City of Toronto shall annually prepare in duplicate an abstract of the receipts, expenditure, assets, and liabilities of the corporation, and also in duplicate a detailed statement of the same in such form as the council directs. They shall make a report on all accounts audited by them, and a special report of any expenditure made contrary to law. The auditors shall, under a penalty of \$20 in case of default, transmit by mail in a registered package one copy of the abstract and also one copy of the detailed statement in such form as these have been submitted to the council, to the Secretary of the Bureau of Industries, Toronto, and shall file the other abstract, together with the other detailed statement and reports, in the office of the clerk of the council, in the case of auditors appointed under section 299 within one month after their appointment, and in the case of auditors appointed under section 301 or section 309 within one month after the expiry of each year during which they are appointed; and thereafter any resident of the municipality

To prepare abstract and detailed statement of receipts and expenditure, etc.

cipality may inspect the same at all reasonable hours, and may, by himself or his agent, at his own expense take a copy thereof or extracts therefrom. R.S.O., 1897, c. 223 ; s. 304 (2); 3 Edw. VII., c. 18, s. 64 (2).

Report on  
treasurer's  
sureties.

(3) The auditor or auditors of every municipality shall also make a report upon the condition and value of the securities given by the treasurer for the due performance of the duties of his office ; and such report shall show what cash balance, if any, was due from the treasurer to the municipality from the date of the audit, and where such balance is deposited, and what security exists that the same will be available when required for the purposes of the municipality ; but this shall not relieve the council from the performance of any duty imposed thereon by section 288. R.S.O., 1897, c. 223, s. 304 (3) ; 3 Edw. VII., c. 18, s. 64 (3).

Inspection of  
books of bank  
or company.

(4) The auditors may make a written requisition upon the treasurer for an order or request to or upon any bank or company with whom the public moneys are or have been deposited, or with whom such treasurer has kept an account, authorizing and requesting such bank or company to exhibit the account and details thereof to such auditors ; and such treasurer shall within twenty-four hours after the delivery to him of such requisition comply therewith upon pain of forfeiture of office.

Money pay-  
able by Pro-  
vince to be  
retained if  
auditors'  
return not  
made.

(5) The Treasurer of the Province shall retain in his hands any moneys payable to any municipality, if it is certified to him by the Secretary of the Bureau of Industries that the auditor or auditors of the municipality have not made the returns hereby required.

Publication of  
statements of  
assets and  
liabilities,

(6) The council of every town, township and village shall hold a meeting on the 15th day of December in each year, or if that day is a Sunday, then on the Monday following, and shall immediately thereafter publish a detailed statement of receipts and expenditure for the portion of the year ending on the day of such meeting, together with a statement of assets and liabilities and uncollected taxes. A similar statement in detail respecting the last 15 days of the preceding year shall be attached thereto. The said statement shall be signed by the mayor or reeve and by the treasurer, and shall be published forthwith in one or more newspapers (if any) of the municipality and also in such other newspapers circulated in the municipality, as the council may direct.

or posting up  
the same.

(7) Instead of publishing the said statement in any newspaper, the council may cause the same to be posted up, not later than the 24th day of December, in the offices of the clerk and of the treasurer, as well as at all the post offices in the municipality, and at not less than 12 other conspicuous places therein.

Delivery of  
copies to elec-  
tors.

(8) The clerk shall procure not less than one hundred copies of the said statement and, shall deliver or transmit by post one of such copies to the electors who first request him to do so,  
not

not later than the 24th day of December in each year, and shall also see that copies of the said statement are produced at the nomination. R.S.O., 1897, c. 223, s. 304 (4)-(8).

(9) The provisions of the preceding three sub-sections shall not apply to the township municipalities situated in the electoral districts of Port Arthur and Rainy River, Fort William and Lake of the Woods, Sault Ste. Marie, Algoma, Manitoulin, East Nipissing, West Nipissing, North Renfrew, Muskoka, or Parry Sound, or the Provisional County of Haliburton. R. S. O., 1897, c. 223, s. 304 (9); 3 Edw. VII., c. 18, s. 64 (4).

Not to apply to certain municipalities.

(10) If any member or officer of a municipal corporation, or any other person, wilfully or knowingly makes or causes or procures to be made, any untrue entry in the statement required by subsection 6 of this section, or wilfully or knowingly causes to be omitted from the said statement any entry or item which should be included therein, he shall be liable, on summary conviction thereof before two or more Justices of the Peace, to a penalty of not less than \$5, nor more than \$40, and costs of conviction. R. S. O., 1897, c. 223, s. 304 (10).

Making untrue entries in financial statement.

**305.** The council of any city may, by by-law, provide that the auditors shall audit all accounts before payment. R. S. O., 1897, c. 223, s. 305.

Accounts may be audited before payment.

**306.** The clerk shall publish the auditors' abstract and report (if any), and shall also publish the detailed statement in such form as the council directs; and in the case of a local municipality the clerk shall transmit to the clerk of the county council a copy of such abstract and statement, and the same shall be kept by the clerk of the county council, as of record, in his office. R. S. O., 1897, c. 223, s. 306.

Clerks to publish abstracts and statements.

**307.** The council shall, upon the report of the auditors, finally audit and allow the accounts of the treasurer and collectors, and all accounts chargeable against the corporation; and in case of charges not regulated by law, the council shall allow what is reasonable. R. S. O., 1897, c. 223, s. 307.

The council to audit finally, etc.

**308.** Unless otherwise provided, every county council shall have the regulation and auditing of all moneys to be paid out of the funds in the hands of the county treasurer. R. S. O., 1897, c. 223, s. 308.

Audit of moneys to be paid by county treasurer.

**309.** Notwithstanding anything in this Act contained, the council of any municipality may appoint an auditor or auditors, who shall daily or otherwise as directed by the council, examine and report and audit the accounts of the corporation in conformity with any regulations or by-laws of the council, and who shall perform such other duties as the council may by by-law direct. 61 V., c. 23, s. 10. 3 Edw. VII., c. 18, s. 65.

Auditors appointed as permanent officers.



## DIVISION VI.—VALUATORS.

*Appointment and duties. Sec. 310, 310a.*

County council may appoint valuers, their duties, etc.

Equalization of real property.

Terms for which valuation to be in force.

Method of valuing by county valuers.

Valuers to add to or deduct from, local assessment, according to value fixed by them.

Attestation of valuation.

**310.**—(1) The council of every county may appoint two or more valuers for the purpose of valuing the real property within the county, and it shall be their duty to ascertain, in every fifth year at furthest, the value of the same in the manner directed by the county council; but the valuers shall not exceed the powers possessed by assessors. The valuation so made shall be made by the county council the basis of equalization of the real property for a period not exceeding five years; and the equalization of personal property shall be as heretofore.

(2) The county council may, at or before the expiration of the said period, extend the time for a term not exceeding five years further; and thereupon the valuation shall continue to be made the basis of equalization of the real property by the county council for such extended period. R. S. O., 1897, c. 223, s. 310.

(3) When valuers have been appointed under this section the said valuers may ascertain the value of the said real property by inspecting and valuing from five to eight per cent. of the different parcels of land in different parts of each municipality in the county, and upon such inspection and valuation the said valuers shall compare their valuations with the valuations in the last revised assessment roll made by the assessors of the several municipalities within the county, and if upon such comparison it is found that the valuation of the county valuers nearly corresponds in the aggregate with the valuation upon the local assessment roll, the valuers and afterwards the county council shall accept the assessment roll of the local municipality as correct for the purposes of county valuation.

(4) Where it is found that the valuations of particular lots made by the county valuers differ materially from the valuations of the same lots upon the assessment roll of the local municipality, the county valuers shall add or deduct a corresponding percentage to or from the local assessment, and a similar method shall be followed with respect to the valuation of real property in towns and villages. 1 Edw. VII., c. 26, s. 13.

**310a.** Notwithstanding anything contained in this Act or in *The Assessment Act*, the valuers appointed by the county council shall be required to attest their report by oath or affirmation only to the extent of the property actually inspected and valued by them. 1 Edw. VII., c. 26, s. 14.



## DIVISION VII.—DUTIES OF OFFICERS RESPECTING OATHS AND DECLARATIONS.

*Declarations of office and qualification. Secs. 311-314.*

*Before whom to be made. Sec. 315.*

*Certificate of declaration. Sec. 315.*

*Oaths, etc., relating to business of municipality. Sec. 316.*

*To be subscribed, certified and preserved. Sec. 317.*

*Oaths, etc., respecting matters before Council. Sec. 318.*

*Penalty for refusing office,—not making, or refusing to administer declarations. Sec. 319.*

**311.**—(1) Every person elected or appointed under this Act to any office requiring a qualification of property in the incumbent shall, before he takes the declaration of office, or enters upon his duties, make and subscribe a solemn declaration to the effect following:

Declaration to be made by certain persons.

I, *A. B.*, do solemnly declare that I am a natural born (or naturalized) subject of His Majesty; and have and had to my own use and benefit, in my own right (or have and had in right of my wife, *as the case may be*), as owner (or tenant, *as the case may be*), at the time of my election (or appointment, *as the case may require*) to the office of

Form of.

hereinafter referred to, such an estate as does qualify me to act in the office of (*naming the office*) for (*naming the place for which such person has been elected or appointed*); and that such estate is (*the nature of the estate to be specified, as an equitable estate of leasehold or otherwise, as the case may require, and if land, the same to be designated by its local description, rents or otherwise*) and that such estate at the time of my election (or appointment, *as the case may require*) was of the value of at least (*specifying the value*) over and above all charges, liens and incumbrances affecting the same.

R.S.O., 1897, c. 223, s. 311 (1).

(2) Where any person has been elected as reeve, or councillor of any township council he may, instead of the foregoing declaration, make and subscribe a solemn declaration to the effect following:

I, *A. B.*, do solemnly declare that I am a natural born (or naturalized) subject of His Majesty; and have and had to my own use and benefit, in my own right (or have and had in right of my wife, *as the case may be*) as owner at the time of my election to the office of hereinafter referred to, such an estate as does qualify me to act in the office of (*naming the office*) for (*naming the place for which such person has been elected*), and that such estate is (*the nature of the estate to be specified and the land to be designated by its local description*); and that such estate at the time of my election was in my actual occupation, and was actually rated in the then last revised assessment roll of this Township (*naming it*) at an amount not less than \$2,000.

R.S.O., 1897, c. 223, s. 311 (2); 3 Edw. VII., c. 18, s. 66.

**312.** Every member of a municipal council, every mayor, clerk, treasurer, assessor, collector, engineer, clerk of works, street overseer or commissioner appointed by a council, shall also, before entering on the duties of his office, make and subscribe a solemn declaration to the effect following:—

Declaration of office to be made by certain officers.

I,

Form of declaration of office.

I, *A. B.*, do solemnly promise and declare that I will truly, faithfully and impartially, to the best of my knowledge and ability, execute the office of (*inserting the name of the office*), or in the case of a person who has been appointed to two or more offices which he may lawfully hold at the same time, that I will truly, faithfully and impartially, to the best of my knowledge and ability, execute the offices of assessor and collector (*or as the case may be*) to which I have been elected (*or appointed*) in this township (*or as the case may be*) and that I have not received, and will not receive, any payment or reward, or promise of such, for the exercise of any partiality or malversation or other undue execution of the said office (*or offices*) and that I have not by myself or partner, either directly or indirectly, any interest in any contract with or on behalf of the said Corporation (*where declaration is made by the clerk, treasurer collector, engineer, clerk of works or street overseer, add the words following*) save and except that arising out of my office as clerk, (*or my office as assessor and collector or as the case may be*).

Persons appointed to more than one office need make only one declaration.

(2) Any person who has been elected or appointed to two or more municipal offices which he may lawfully hold at the same time may make one declaration of office as to all the offices to which he has been elected or appointed, but the same shall be made and subscribed before he enters upon the duties of any of the said offices. R. S. O., 1897, c. 223, s. 312.

Declaration of returning officers and others.

**313.** Every returning officer, deputy-returning officer, poll clerk, constable and other officer appointed by a council shall, before entering upon the duties of the office, make and subscribe a solemn declaration to the effect following:—

I, *A. B.*, do solemnly promise and declare that I will truly, faithfully and impartially, to the best of my knowledge and ability, execute the office of (*inserting the name of the office*), to which I have been elected (*or appointed*) in this township (*or as the case may be*), and that I have not received, and will not receive any payment or reward, or promise of such, for the exercise of any partiality or malversation or other undue execution of the said office.

R.S.O., 1897, c. 223, s. 313.

Administration of oaths to deputy returning officers and poll clerks.

(2) Whenever by this Act any oath or affirmation or declaration is required to be taken or made by a deputy returning officer, and no special provision is made therefor, the same may be taken or made before the returning officer for the ward or municipality or before the poll clerk or before any Justice of the Peace having jurisdiction in the municipality; and the deputy-returning officer or any Justice of the Peace may administer any oath or affirmation or declaration required to be made by a poll clerk under the provisions of this Act. 2 Edw. VII., c. 29, s. 10.

Auditor's declaration.

**314.** The solemn declaration to be made by every auditor shall be as follows:

Form of.

I, *A. B.*, having been appointed to the office of auditor for the municipal corporation of \_\_\_\_\_, do hereby promise and declare, that I will faithfully perform the duties of such office according to the best of my judgment and ability; and I do solemnly declare, that I had not directly or indirectly any share or interest whatever in any contract or employment (except that of auditor, *if reappointed*) with, by, or on behalf of such municipal corporation, during the year preceding my appointment

appointment, and that I have not any such contract or employment except that of auditor, for the present year.

R.S.O., 1897, c. 223, s. 314.

**315.** The head and other members of the council, and the subordinate officers of every municipality, shall make the declarations of office and qualification before some Court, Judge, Police Magistrate, or other Justice of the Peace having jurisdiction in the municipality for which such head, members or officers have been elected or appointed, or before the clerk of the municipality; and the Court, Judge, or other person before whom such declaration is made, shall give the necessary certificate of the same having been duly made and subscribed. Before whom declaration to be made.

Certificate of declaration.

R.S.O., 1897, c. 223, s. 315.

**316.** The head of any council, any alderman, or reeve any Justice of the Peace or the clerk of any municipality may, within the municipality, administer any oath, affirmation or declaration under this Act, relating to the business of the place in which he holds office, except where otherwise specially provided, and except where he is the party required to make the oath, affirmation or declaration. Certain officers may administer certain oaths, etc., within municipality.

R.S.O., 1897, c. 223, s. 316; 3 Edw. VII., c. 18, s. 67.

**317.** The deponent, affirmant, or declarant shall subscribe every such oath, affirmation, or declaration, and the person administering it shall duly certify and preserve the same, and shall within eight days deposit the same in the office of the clerk of the municipality to the affairs of which it relates. Oath, affirmation, or declaration to be subscribed and deposited with clerk of municipality.

R.S.O., 1897, c. 223, s. 317.

**318.** The head of every council, or in his absence the chairman thereof, may administer an oath or affirmation to any person concerning any account or other matter submitted to the council. Head of council may administer certain oaths, etc.

R.S.O., 1897, c. 223, s. 318.

**319.** Every qualified person duly elected or appointed to be a mayor, alderman, reeve, county councillor, councillor, police trustee, assessor or collector of or in any municipality, who refuses such office, or does not, in the case of a county councillor within thirty days, and in any of the other cases aforesaid within twenty days, after knowing of his election or appointment, make the declarations of office and qualification where a property qualification is required, and every person authorized to administer such declaration, who, upon reasonable demand, refuses to administer the same, shall, on summary conviction thereof before two or more Justices of the Peace, forfeit not more than \$80, nor less than \$8, at the discretion of the Justices, to the use of the municipality, together with the costs of prosecution. Penalty for refusing to accept office or administer declaration, etc.

R.S.O., 1897, c. 223, s. 319; 3 Edw. VII., c. 18, s. 68.

DIVISION



## DIVISION VIII.—SALARIES, TENURE OF OFFICE AND SECURITY

*Appointment and remuneration of officers. Sec. 320.**Tenure of office and duties. Sec. 321.**Gratuities to retiring officers. Sec. 322.**Security to be given by officers. Sec. 323.*

Salaries of officers.

**320.**—(1) In case the remuneration of any of the officers of the municipality has not been settled by Act of the Legislature, the council shall settle the same; and the council shall provide for the payment of all municipal officers, whether the remuneration is settled by statute or by by-law of the council.

Remuneration of clerks for services performed under

Rev. Stat. c. 285.

(a) It shall be the duty of the council to give to the clerk of the municipality for services and duties performed by him in carrying out the provisions of *The Ditches and Watercourses Act*, a fair and reasonable remuneration, to be fixed by by-law of the council.

Remuneration of clerks for copying documents, etc.

Rev. Stat. c. 285.

(b) The council shall fix by by-law the sum to be paid to the clerk by any person for copies of awards or other documents, or for any other services rendered by the clerk, other than services which it is his duty to perform under the provisions of *The Ditches and Watercourses Act*.

Remuneration not to be settled by tender.

(2) No municipal council shall assume to make any appointment to office, or any arrangement for the discharge of the duties thereof, by tender, or to applicants at the lowest remuneration.

When municipality employing solicitor at a salary may recover costs.

(3) Where a municipality employs a solicitor or counsel whose remuneration is wholly or partly by salary, annual or otherwise, the municipality shall, notwithstanding, have the right to recover and collect lawful costs in all actions and proceedings, in the same manner as if the solicitor or counsel was not receiving a salary, where the costs are, by the terms of his employment, payable to the solicitor or counsel as part of his remuneration in addition to his salary. R.S.O., 1897, c. 223, s. 320.

Tenure of office.

Duties.

**321.** All officers appointed by the council shall hold office until removed by the council, and shall in addition to the duties assigned to them in this Act, perform all other duties required of them by any other statute, or by the by-laws of the council. R.S.O., 1897, c. 223, s. 321.

A gratuity may be given in certain cases.

**322.** Any municipal council, other than a provisional council, may grant to any officer who has been in the service of the municipality for at least twenty years, and who, while in such service, has become incapable through old age, of efficiently discharging the duties of his office, a sum not exceeding his aggregate salary or other remuneration for the last three years of his service, as a gratuity upon his removal or resignation. R.S.O., 1897, c. 223, s. 322.

Corporations, etc., may accept security certain companies for their officers.

**323.** The bonds or policies of guarantee of any incorporated company, empowered to grant guarantees, bonds or policies for the integrity and faithful accounting of public officers, servants or persons occupying positions of trust or other like purposes



poses, may be accepted instead of, or in addition to, the bond or security of any officer or servant of a municipal corporation, in all cases where, by the provisions of this or any other Act, or of any by-law of the corporation, such officer or servant is required to give security, either by himself, or by himself and a surety or sureties, and where the persons directed or authorized to take the security see fit to accept the bond or policy of such company as aforesaid, and approve the terms and conditions thereof; and all the provisions in such Act relating to such security, to be given by such officer or servant, or his sureties, shall apply to the bonds and policies of guarantee of such company as aforesaid; and the same may be taken instead of, or in substitution for, any existing securities, if the persons directed or authorized as aforesaid see fit; whereupon such existing securities shall be delivered up to be cancelled. R.S.O., 1897, c. 223, s. 323.

Existing bonds may be cancelled.

#### DIVISION IX.—INVESTIGATION OF CHARGES OF MALFEASANCE, ETC., OR JUDICIAL INQUIRY IN RELATION TO MUNICIPAL MATTERS.

##### *Investigation or Inquiry by County Judge. Sec. 324.*

**324.**—(1) In case the council of any municipality at any time passes a resolution requesting the Judge of the County Court of the county in which the municipality is situate to investigate any matter to be mentioned in the resolution, and relating to a supposed malfeasance, breach of trust or other misconduct on the part of any member of the council, officer or servant of the corporation, or of any person having a contract therewith, in relation to the duties or obligations of the member, officer, or other person, to the municipality, or in case the council of any municipality sees fit to cause inquiry to be made into or concerning any matter connected with the good government of the municipality, or the conduct of any part of the public business thereof, and passes a resolution requesting the Judge to make the inquiry, the Judge shall inquire into the same, and shall for that purpose have all the powers which may be conferred upon Commissioners under *The Act respecting Inquiries concerning Public Matters*, and the Judge shall, with all convenient speed, report to the council the result of the inquiry and the evidence taken thereon. R.S.O., 1897, c. 223, s. 324 (1); 3 Edw. VII., c. 18, s. 69 (1).

Investigation by County Judge of charges of malfeasance by municipal officers.

Judge to have powers mentioned in Rev. Stat. c. 19.

(2) The Judge of the County Court, holding such investigation, shall be entitled to receive, and shall be paid by the municipality requesting him to hold the investigation, the same fees as he would be entitled to receive if the matter had been referred to him as a referee under the provisions of *The Judicature Act*. R.S.O., 1897, c. 223, s. 324 (2).

Fees payable to county judge.

Rev. Stat. c. 51.

(3) The council requesting any such investigation may engage and pay counsel to represent the corporation therein, and

and may pay all proper witness fees to persons summoned to give evidence at the instance of the corporation, and any person charged with malfeasance, breach of trust or other misconduct or whose conduct is called in question on such investigation may be represented by counsel thereon. 3 Edw. VII., c. 18, s. 69 (2).

## PART VI.

### GENERAL PROVISIONS APPLICABLE TO ALL MUNICIPALITIES.

#### TITLE I.—GENERAL JURISDICTION OF COUNCILS

##### II.—RESPECTING BY-LAWS.

##### III.—RESPECTING FINANCE.

##### IV.—DEBENTURES AND OTHER INSTRUMENTS.

##### V.—ARBITRATIONS.

##### VI.—ACTIONS BY AND AGAINST MUNICIPAL CORPORATIONS.

##### VII.—WITNESSES.

##### VIII.—ADMINISTRATION OF JUSTICE AND JUDICIAL PROCEEDINGS.

#### TITLE I.—GENERAL JURISDICTION OF COUNCILS

##### DIVISION I.—NATURE AND EXTENT.

*Confined to municipality—How and when exerciseable. Secs 325-328.*

*Traders' license fees. Sec. 329.*

*May not grant monopolies. Sec. 330.*

*Except as to telephones and ferries. Secs. 331, 332.*

*Cold Storage. Sec. 331a.*

Jurisdiction of  
councils.

**325.** The jurisdiction of every council shall be confined to the municipality which the council represents, except where authority beyond the same is expressly given; and the powers of the council shall be exercised by by-law, when not otherwise authorized or provided for. R. S. O., 1897, c. 223, s. 325.

General power  
to make regu-  
lations;

**326.** Every council may by by-law make regulations not specifically provided for by this Act, and not contrary to law, for governing the proceedings of the council, the conduct of its members, the appointing or calling of special meetings of the council, and generally such other regulations as the good of the inhabitants of the municipality requires, and may repeal, alter and amend its by-laws, save as by this Act restricted. R.S.O., 1897, c. 223, s. 326; 3 Edw. VII., c. 18, s. 70.

To repeal,  
alter, etc.  
by-laws

**327.** A municipal council shall be deemed and considered as always continuing and existing, notwithstanding any annual or other election of the members composing the same, and, after any such election and the organization of the council for the current year, may take up and carry on to completion all proceedings commenced but not completed prior thereto. R. S. O., 1897, c. 223, s. 327.

Council a continuing body.

**328.** No council of any local municipality shall, after the 31st day of December in the year for which its members were elected, pass any by-law or resolution for the payment of money or which involves directly or indirectly the payment of money, nor shall they enter into any contract or obligation on the part of the municipality, nor shall they appoint to or dismiss from office any officer under the control of the council, or do any other corporate act after said day except in case of extreme urgency; but the council may before the 31st day of December, do any necessary business which, having regard to the circumstances, may be done at such time, and which they are authorized to do at their last meeting. R. S. O., 1897, c. 223, s. 328.

Certain acts not to be done by councils after 31st December.

**329.** In all cases where, under the provisions of this Act, or of any other Act, any council or the board of commissioners of police in any city, or either of them, is or are authorized to pass by-laws for licensing any trade, calling, business, or profession, or the person carrying on or engaged in any such trade, calling, business, or profession, the council and the board of commissioners of police, respectively, shall, subject to sections 581, 583 and 585 of this Act, have power to pass by-laws fixing the sum to be paid for a license for exercising any such trade, calling, business, or profession, in the municipality, and for enforcing payment of the license fee, and for determining the time during which the license shall be in force. R. S. O., 1897, c. 223, s. 329.

Traders' license fees.

**330.** Subject to the provisions of sections 331 and 332 of this Act no council shall have the power to give any person an exclusive right of exercising, within the municipality, any trade or calling, or to impose a special tax on any person exercising the same, or to require a license to be taken for exercising the same, unless authorized or required by statute so to do; but the council may direct a fee, not exceeding \$1, to be paid to the proper officer for a certificate of compliance with any regulations in regard to such trade or calling. R. S. O., 1897, c. 223, s. 330.

Granting monopolies prohibited.

But fee may be required for certificate

**331.**—(1) The council of every city, town and village may pass by-laws, granting from time to time, to any telephone company, upon such terms and conditions as may be thought expedient, the exclusive right within the municipality,

Powers of municipalities as to telephone companies.



for a period not exceeding five years at any one time, to use streets and lanes in the municipality for the purpose of placing in, upon, over or under the same, poles, ducts and wires for the purpose of carrying on a telephone business, and may on behalf of the municipal corporation, enter into agreements with any such company not to give to any other company or person for such period any license or permission to use such streets or lanes for any such purpose; but no such by-law shall be passed, nor shall any such agreement be entered into without the assent of two thirds of the members of the council of the municipality being present and voting therefor.

Certain rights  
not affected.

(2) Nothing in the preceding subsection contained, or done by virtue thereof, shall limit or prejudicially affect any rights of any telephone company with respect to the use of streets or lanes for the purposes aforesaid which existed on the 27th day of May, 1893, nor shall the said preceding subsection or any by-law passed or agreement made before the said date, prevent any municipal council from granting to any person permission to use streets or lanes for the purpose of a private telephone line for the use of such person, his servants, clerks or agents, or persons communicating with them.

Agreements  
made prior to  
May 17th,  
1893.

3) For the removal of doubts it is hereby declared that all by-laws passed and all agreements made prior to the 17th day of May, 1893, for the granting of the exclusive rights mentioned in subsection 1 for any period not exceeding ten years, are hereby declared to be as valid and binding as they would have been if the said municipalities had had power to grant such exclusive rights. R. S. O., 1897, c. 223, s. 331.

Power to carry  
on cold stor-  
age business.

**331a.** The corporation of any city may establish and carry on the business of cold storage in connection with or upon the city's market property, and may pass by-laws therefor. 61 V. c. 23, s. 14.

Privileges of  
ferry.

Exception as  
to certain  
ferries.

**332.** A council may grant exclusive privileges in any ferry which is vested in the corporation represented by such council, other than a ferry between a Province of the Dominion of Canada and any British or foreign country, or between two Provinces of the Dominion. R. S. O., 1897, c. 223, s. 332, See *B. N. A. Act, 1867, s. 91 (13)*; *Rev. Stat. Cap. 139*; and *sec. 583 (12), post*.

[See as to operating ferries or making annual grant in aid of ferries, *sec. 591b.*]

## TITLE II.—RESPECTING BY-LAWS.

DIV. I.—AUTHENTICATION OF BY-LAWS.

DIV. II.—OBJECTIONS BY RATEPAYERS.

DIV. IIa.—CERTIFICATE OF CLERK AS TO APPLICATION FOR BY-LAW.

DIV. III.—VOTING ON BY ELECTORS.

DIV. IV.—CONFIRMATION OF BY-LAWS.

DIV. V.—QUASHING BY-LAWS.

DIV. VI.—BY-LAWS CREATING DEBTS.

DIV. VII.—REGISTRATION THEREOF, AND NOTICE.

DIV. VIII.—BY-LAWS RESPECTING YEARLY RATES.

DIV. IX.—ANTICIPATORY APPROPRIATIONS.

## DIVISION I.—AUTHENTICATION OF BY-LAWS.

*Original. Sec. 333.**Evidence of. Sec. 334.**Proof of facts for Lieutenant-Governor. Sec. 335.*

**333.** Every by-law shall be under the seal of the corporation, and shall be signed by the head of the corporation, or by the presiding officer or chairman at the meeting at which the by-law was passed, and by the clerk of the corporation, and every original by-law so sealed and signed when produced by the clerk or any officer of the corporation charged with the custody thereof, shall be received in evidence in any Court of Justice without proof of the seal or signatures, unless it is specially pleaded or alleged that the seal or one or both of the signatures has or have been forged. 3 Edw. VII., c. 18, s. 71.

How by-laws  
to be authen-  
ticated.

**334.** A copy of any by-law, written or printed, without erasure or interlineation, and under the seal of the corporation, and certified by the clerk, and by any member of the council to be a true copy, shall be deemed authentic, and shall be received in evidence in any Court of Justice, without proof of the seal or signatures, unless it is specially pleaded or alleged that the seal or one or both of the signatures has or have been forged. R.S.O., 1897, c. 223, s. 334. [See also Sec. 485.]

Evidence of

**335.** The facts by this Act required to be recited in any by-law which requires the approval of the Lieutenant-Governor in Council, shall, before the by-law receives such approval, be verified by solemn declaration by the head of the council, and by the treasurer and clerk thereof, and by such other person, and on such other evidence, as to the Lieutenant-Governor in Council satisfactorily proves the facts so recited; or in case of the death or absence of any of the municipal officers hereinbefore mentioned, upon the declaration of any other member of the council, whose declaration the Lieutenant-Governor in Council accepts. R.S.O., 1897, c. 223, s. 335.

By-laws  
requiring  
assent of the  
Lieutenant-  
Governor.

DIVISION

## DIVISION II.—OBJECTIONS BY RATEPAYERS.

*When and how made. Sec. 336.**When council shall act on objections. Sec. 337.*Opposition to  
by-laws.

**336.** In case a person rated on the assessment roll of a municipality, or of any locality therein, objects to the passing of a by-law, the passing of which is to be preceded by the application of a certain number of the rateable inhabitants of such municipality or locality, he shall, on petitioning the council, be at liberty to attend in person, or by counsel or solicitor, before the council at the time at which the by-law is intended to be considered, or before a committee of the council appointed to hear evidence thereon, and to produce evidence that the necessary notice of the application for the by-law was not given, or that any of the signatures to the application are not genuine, or were obtained upon incorrect statements, and that the proposed by-law is contrary to the wishes of the persons whose signatures were so obtained, and that the remaining signatures do not amount to the number, or represent the amount of property, necessary to the passing of the by-law. R.S.O., 1897, c. 223, s. 336.

How to be  
made.When by-laws  
shall not pass.

**337.** If the council is satisfied upon the evidence that the application for the by-law did not contain the names of a sufficient number of persons, whose names were obtained without fraud and in good faith, and who represent the requisite amount of property, and are desirous of having the by-law passed, or if the council is satisfied that the notice required by law was not duly given, the council shall not pass the by-law. R.S.O., 1897, c. 223, s. 337.

## DIVISION IIa.—CERTIFICATE OF CLERK AS TO APPLICATION FOR BY-LAW.

Certificate of  
clerk that ap-  
plication for  
by-law duly  
signed.

**337a.** Where by this or any other Act it is provided that a by-law may be passed by any municipal council upon the application of a certain number of ratepayers, such by-law shall not be finally passed by the council until the clerk of the municipality has certified that the application was signed by the requisite number of persons who represent the requisite amount of property according to the last revised assessment roll of the municipality. 3 Edw. VII., c. 18, s. 71 (2).



## DIVISION III.—VOTING, ON BY ELECTORS.

*Proceedings preliminary to the poll.* Secs. 338-349.

*The poll.* Secs. 350-365.

*Who to vote.* Secs. 353, 354.

*Freeholders.* Sec. 353

*Leaseholders.* Sec. 354.

*Oath of freeholder.* Sec. 356.

*Oath of leaseholder.* Secs. 357, 358.

*Proceedings after close of poll.* Secs. 359-365.

*Requisites of certain bonus by-laws.* Sec. 366.

*Secrecy of proceedings.* Secs. 367, 368.

*Scrutiny.* Secs. 369-372.

*Passing by-laws by council.* Secs. 373, 374.

**338.** In case a by-law requires the assent of the electors of a municipality before the final passing thereof, the following proceedings shall, except in cases otherwise provided for be taken for ascertaining such assent:—

If a by-law requires the assent of the electors, mode of obtaining same.

Time and place of voting to be fixed by the by-law.

1. The council shall, by the by-law, fix the day and hour for taking the votes of the electors, and the places in the municipality for the purpose, as the council, in their discretion, deem best, and (where the votes are to be taken at more than one place,) shall name a deputy-returning officer to take the votes at every such place. The day so fixed for taking the votes shall not be less than three, nor more than five weeks after the first publication of the proposed by-law.

2. The council shall, before the final passing of the proposed by-law, publish a copy thereof in some public newspaper published either within the municipality or in the county town, or in a public newspaper published in an adjoining or neighbouring local municipality, as the council may designate by resolution; and the publication shall, for the purpose aforesaid, be continued in at least one number of such paper each week for three successive weeks; and the council shall put up a copy of the by-law at four or more of the most public places in the municipality.

Publication of by-law.

3. Appended to each copy so published and posted shall be a notice, signed by the clerk of the council, stating that the copy is a true copy of a proposed by-law which has been taken into consideration, and which will be finally passed by the council (in the event of the assent of the electors being obtained thereto,) after one month from the first publication in the newspaper, stating the date of the first publication, and that at the hour, day and place or places therein fixed for taking the votes of the electors, the polls will be held. R.S.O., 1897, c. 223, s. 338.

Notice.

**339.** Forthwith after the day has been fixed as aforesaid for taking the votes of electors with respect to the by-law, the clerk of the municipal council which proposed the by-law, shall

Ballot papers to be printed.

shall cause to be printed, at the expense of the municipality, such a number of ballot papers as will be sufficient for the purposes of the voting. R.S.O., 1897, c. 223, s. 339.

Form of.

**340.** The ballot papers shall be according to the form of Schedule J to this Act. R.S.O., 1897, c. 223, s. 340.

Council to fix a day for appointment of persons to attend at polling places, and for final summing up of votes.

**341.** The council shall, by the by-law, fix a time when, and a place where, the clerk of the council which proposed the by-law is to sum up the number of votes given for and against the by-law, and a time and place for the appointment of persons to attend at the various polling places, and at the final summing up of the votes by the clerk respectively, on behalf of the persons interested in, and promoting or opposing the passing of the by-law respectively. R.S.O., 1897, c. 223, s. 341.

Selection of agents.

**342.** At the time and place named, the head of the municipality shall appoint, in writing signed by him, two persons to attend at the final summing up of the votes, and one person to attend at each polling place on behalf of the persons interested in and desirous of promoting the passing of the by-law, and a like number on behalf of the persons interested in and desirous of opposing the passing of the by-law. R.S.O., 1897, c. 223, s. 342.

Agent to make declaration.

**343.** Before any person is so appointed he shall make and subscribe, before the head of the municipality, a declaration in the form of Schedule K to this Act, that he is interested in, and desirous of promoting, or opposing (as the case may be), the passing of the by-law. R.S.O., 1897, c. 223, s. 343.

Admission of agents to polling place, etc.

**344.** Every person so appointed, before being admitted to the polling place or to the summing up of the votes, as the case may be, shall produce his written appointment to the deputy-returning officer, or in the case of a municipality not divided into polling sub-divisions to the clerk of the municipality, or other person acting as returning officer, as the case may be. R.S.O., 1897, c. 223, s. 344 ; 3 Edw. VII., c. 18, s. 72.

Appointment in absence of agents.

**345.** In the absence of any person authorized as aforesaid to attend at a polling place, or at the final summing up of the votes, any elector in the same interest as the person so absent may, upon making and subscribing, before the deputy-returning officer at the polling place, or before the clerk of the municipality, a declaration in the form of Schedule K to this Act, be admitted to the polling place to act for the person so absent. R.S.O., 1897, c. 223, s. 345.

Only certain persons to be present in polling place.

**346.** During the time appointed for polling no person shall be entitled or permitted to be present in any polling place, other than the officers, clerks and persons or electors authorized

ized

ized to attend as aforesaid at the polling place R.S.O., 1897, c. 223, s. 346.

**347.**—(1) The clerk of the municipality, on the request of any elector entitled to vote at one of the polling places, who has been appointed deputy-returning officer or poll clerk, or who has been named as the person to attend at a polling place, other than the one where he is entitled to vote, shall give to such elector a certificate that such deputy-returning officer, poll clerk, or person is entitled to vote for or against the by-law, at the polling place where such elector is stationed during the polling day; and the certificate shall also state the property or other qualification in respect to which such elector is entitled to vote.

Deputy-returning officers, poll clerks, and agents may vote at polling places where they are employed,

(2) On the production of the certificate, such deputy-returning officer, poll clerk or person shall have the right to vote at the polling place where he is stationed during the polling day, instead of at the polling place of the ward or polling subdivision where he would otherwise have been entitled to vote; and the deputy-returning officer shall attach the certificate to the voters' list; but no such certificate shall entitle such elector to vote at such polling place, unless he has been actually engaged as such deputy-returning officer, poll clerk or person during the day of polling.

Officers and agents may vote on certificate from the clerk of the municipality.

(3) In the case of a deputy-returning officer voting at the polling place at which he is appointed to act, the poll clerk, or in the absence of the poll clerk, any one authorized to be present at the polling place, may administer to the deputy-returning officer the oath required to be taken by voters qualified to vote on the by-law. R. S. O., 1897, c. 223, s. 347.

Who to administer oath in such case.

**348.** In the case of municipalities which are divided into wards or polling subdivisions, the clerk of the municipality shall, before the poll is opened, prepare and deliver to the deputy-returning officer for every ward or polling subdivision, a voters' list in the form of Schedule C to this Act, containing the names, arranged alphabetically, of all persons appearing by the then last revised assessment roll to be entitled to vote in that ward or polling subdivision, and he shall attest the said list by his solemn declaration in writing under his hand. R. S. O., 1897, c. 223, s. 348; 3 Edw. VII., c. 18, s. 73.

Who to conduct the poll in municipalities divided into wards or polling subdivisions.

**349** In the case of municipalities which are not divided into wards or polling subdivisions, the clerk shall provide himself with the necessary ballot papers, the materials for marking ballot papers, printed directions to voters, and a list of electors for the municipality similar to the list mentioned in the preceding section; and the clerk shall perform the like duties with respect to the whole municipality as are imposed upon a deputy returning officer in respect of a ward or polling subdivision. R. S. O., 1897, c. 223, s. 349.

In municipalities not divided into wards or polling subdivisions.



*The Poll.*

Voting to be  
by ballot.

**350.** At the day and hour fixed as aforesaid, the poll shall be held and the vote shall be taken by ballot. R. S. O., 1897, c. 223, s. 350.

Proceedings to  
be as at municipal  
elections.

**351.** The proceedings at the poll, and for and incidental to the same, and the purposes thereof, shall be the same, as nearly as may be, as at municipal elections, and all the provisions of sections 138 to 206 inclusive, except section 179 of this Act, so far as the same are applicable, and except so far as is herein otherwise provided, shall apply to the taking of votes at the poll, and to all matters incidental thereto. R. S. O., 1897, c. 223 s. 351; 3 Edw. VII., c. 18, s. 74.

Form of  
directions for  
guidance to  
voters.

**352.** The printed directions to be delivered to the deputy-returning officers shall be in the form of Schedule L to this Act, R. S. O., 1897, c. 223, s. 352.

Freeholders  
who may vote  
on by-laws.

**353.**—(1) Every ratepayer, being a man, an unmarried woman or a widow, shall be entitled to vote on any by-law for contracting a debt which requires the assent of the electors, who, at the time of tender of the vote, is of the full age of twenty-one years, and a natural-born or naturalized subject of His Majesty, and who has neither directly or indirectly received, nor is in expectation of receiving, any reward or gift for the vote so tendered, and who is at the time of the tender a freeholder, in his or her own right, or (if a man) whose wife is a freeholder of real property within the municipality, of sufficient value to entitle him to vote at any municipal election, and is rated on the last revised assessment roll as such freeholder, provided such person is named or intended to be named on the voters' list. R.S.O., 1897, c. 223, s. 353 (1); 3 Edw. VII., c. 18, s. 75.

In case of new  
municipality  
where there  
has been no as-  
sessment roll.

(2) In the case of a new municipality in which there has not been any assessment roll, the qualification of being named on the list and of being rated on the roll shall be dispensed with; but in such case the person offering to vote shall not be entitled to vote, unless he possesses the other qualifications above mentioned, and has, at the time of tendering his vote sufficient property to have entitled him to vote if he had been rated therefor, and unless at the said time he names the property to the deputy-returning officer; and the deputy-returning officer shall note such property in the voters' list opposite the voter's name, at the request of any one entitled to vote on the by-law. R. S. O., 1897, c. 223, s. 353 (2).

Leaseholders  
who may vote  
on by-laws.

**354.**—(1) Every ratepayer shall be entitled to vote on any by-law for contracting a debt which requires the assent of the electors, who is a man, an unmarried woman or a widow, and is named, or intended to be named, in the voters' list, and at the time of tender of the vote

vote is of the full age of twenty-one years, and a natural born or naturalized subject of His Majesty, and who has neither directly or indirectly received, nor is in expectation of receiving, any reward or gift for the vote so tendered, and is resident within the municipality for which the vote is taken for one month next before the vote, and who is, or whose wife is, a leaseholder of real property within the municipality of sufficient value to entitle him to vote at a municipal election, and who is rated on the last revised assessment roll therefor, provided he has in his lease covenanted to pay all municipal taxes in respect of the property leased (other than taxes assessed for local improvements), and, provided the lease extends for the period of time within which the debt to be contracted or the money to be raised by the by-law is made payable. R.S.O. 1897, c. 223, s. 354 (1); 3 Edw. VII., c. 18, s. 76. Proviso.

(2) No lessee shall be entitled to vote on a by-law respecting local improvements under section 682 of this Act, unless he has in his lease covenanted to pay taxes assessed for local improvements, and, in the case of such a by-law, the said proviso as to the lease extending for the period of time within which the debt to be contracted or the money to be raised by such by-law is made payable, shall not apply. Leaseholders who may vote on local improvement by-laws.

(3) In the case of a new municipality in which there has not been any assessment roll, the qualification of being named on the list and of being rated on the roll, and of residence for one month, shall be dispensed with; but in such case the person offering to vote shall not be entitled to vote unless he possesses the other qualifications above mentioned, and is at the time of tender of his vote a resident of the municipality, and then has sufficient property to have entitled him to vote if he had been rated therefor, and unless at the said time he names the property to the deputy-returning officer; and the deputy-returning officer shall note the property in the voters' list, opposite the voter's name, at the request of any one entitled to vote on the by-law. R. S. O., 1897, c. 223, s. 354. In case of new municipality where there has been no assessment roll.

**355.** Where a municipality is divided into wards, each ratepayer shall be so entitled to vote in each ward in which he has the qualification necessary to entitle him to vote on the by-law. R. S. O., 1897, c. 223, s. 355. Where rate-payers qualified in more than one ward.

**356.** In the case of a by-law for contracting a debt any ratepayer offering in respect of a freehold to vote on the by-law, may be required by the deputy-returning officer, or by any ratepayer entitled to vote on the by-law, to make, before his vote is recorded, the following oath or affirmation, or any part thereof, or to the effect thereof. Oath of freeholder voting on by-law.

You swear that you are of the full age of 21 years, and a natural-born (or naturalized) subject of His Majesty;

That you are a freeholder in your own right (or your wife is a freeholder), within the municipality (or ward as the case may be) for which this vote is taken;

That

That you have not voted before on the by-law in this township (or ward, as the case may be);

That you are, according to law, entitled to vote on the said by-law in this township (or ward, as the case may be);

That you have not, directly or indirectly, received any reward or gift, nor do you expect to receive any, for the vote which you tender;

That you are the person named, (or intended to be named), in the voters' list;

*(In the case of an unmarried woman or widow claiming to vote.)* That you are unmarried (or a widow as the case may be);

That you have not received anything, nor has anything been promised to you directly or indirectly, either to induce you to vote on this by-law, or for loss of time, travelling expenses, hire of team, or any other service connected therewith; and that you have not, directly or indirectly, paid or promised anything to any person, either to induce him to vote, or to refrain from voting;

*(In the case of a new municipality in which there has not been any assessment roll, then instead of referring to being named on the voters' list, the person offering to vote may be required to state, in the oath, the property in respect of which he claims to vote);*

And no inquiries shall be made of any voter, except with respect to the facts specified in such oath or affirmation. R.S.O. 1897, c. 223, s. 356; 3 Edw. VII. c. 18, s. 77 (1).

Oath of leaseholder voting on by-law, other than one respecting local improvements under section 682.

**357.** In the case of a by-law for contracting a debt any ratepayer offering in respect of a leasehold, to vote on such by-law, other than a by-law respecting local improvements, under section 682, may be required by the deputy-returning officer, or by any ratepayer entitled to vote on such by-law, to make, before his vote is recorded, the following oath or affirmation, or any part thereof, or to the effect thereof:

You swear that you are of the full age of 21 years, and a natural-born (or naturalized) subject of His Majesty;

That you have been a resident within the municipality for which this vote is taken for one month next before the vote;

That you are (or your wife is), a leaseholder within this municipality (or ward as the case may be) and (in the case of a by-law creating a debt) that the lease extends for the period of time within which the debt to be contracted or the money to be raised by the by-law now submitted to the ratepayers is made payable, and that you have (or the lessee in said lease has) covenanted in such lease to pay all municipal taxes other than taxes assessed for local improvements;

*(Or in the case of a by-law or resolution to be voted upon by leaseholders for a specified term of years.)*

That you are (or your wife is) a leaseholder within this municipality (or ward as the case may be) under a lease extending over a period of not less than years, from (inserting the period fixed by the section under which the vote is taken.)

That you have not before voted on the by-law in this township (or ward, as the case may be);

That you are, according to law, entitled to vote on the said by-law in this township (or ward, as the case may be);

That you have not directly or indirectly received any reward or gift, nor do you expect to receive any, for the vote which you tender;

That you are the person named, (or intended to be named,) in the voters' list;

*(In*



*(In the case of an unmarried woman or widow claiming to vote.)* That you are unmarried (or a widow as the case may be ; )

That you have not received anything, nor has anything been promised to you directly or indirectly, either to induce you to vote on this by-law, or for loss of time, travelling expenses, hire of team, or any other service connected therewith ;

And that you have not directly or indirectly paid or promised anything to any person, either to induce him to vote or to refrain from voting ;

*(In the case of a new municipality in which there has not been any assessment roll, then instead of swearing to residence for one month next before the vote, and instead of referring to being named in the voters' list, the person offering to vote may be required to state in the oath the property in respect of which he claims to vote, and that he is a resident of such municipality) ;*

And no inquiries shall be made of a voter, except with respect to the facts specified in the oath or affirmation. R. S. O., 1897, c. 223, s. 357 ; 3 Edw. VII c. 18, s. 77.

**358.** A ratepayer offering in respect of a leasehold, to vote on a by-law respecting local improvements, under section 682, may be required by the deputy-returning officer, or by any ratepayer entitled to vote on the by-law, to make, before his vote is recorded, the following oath or affirmation, or any part thereof, or to the effect thereof:

Oath of leaseholder voting on by-law respecting local improvements under section 682.

You swear that you are of the full age of 21 years, and a natural-born (or naturalized) subject of His Majesty ;

That you have been a resident within the municipality for which this vote is taken, for one month next before the vote ;

That you are (or your wife is) a leaseholder within this municipality, (or ward as the case may be) and that you have (or the lessee in said lease has) covenanted in such lease to pay all municipal taxes, including taxes assessed for local improvements.

That you have not before voted on the by-law in this township (or ward as the case may be) ;

That you are, according to law, entitled to vote on the said by-law in this township or ward, as the case may be ;

That you have not directly or indirectly received any reward or gift nor do you expect to receive any, for the vote which you tender ;

That you are the person named, (or intended to be named), in the voters' list ;

*(In the case of an unmarried woman or widow claiming to vote.)* That you are unmarried (or a widow as the case may be ; )

That you have not received anything, nor has anything been promised to you directly or indirectly, either to induce you to vote on this by-law, or for loss of time, travelling expenses, hire of team, or any other service connected therewith ;

And that you have not directly or indirectly paid or promised anything to any person, either to induce him to vote or to refrain from voting ;

*(In the case of a new municipality in which there has not been any assessment roll, then instead of swearing to residence for one month next before the vote and instead of referring to being named in the voters' list, the person offering to vote may be required to state in the oath the property in respect of which he claims to vote, and that he is a resident of such municipality) ;*

And no inquiries shall be made of a voter, except with respect to the facts specified in the oath or affirmation. R. S. O., 1897, c. 223, s. 358.

Form of statement to be made by deputy returning officers of result of polling.

**359.** The written statement to be made by every deputy-returning officer at the close of the polling shall be made under the following heads:

- (a) Name or number of ward or polling subdivision, and of the municipality, and the date of the polling;
- (b) Number of votes for and against the by-law;
- (c) Rejected ballot papers. R. S. O., 1897, c. 223, s. 359.

Objections to ballot papers.

**360.** The deputy-returning officer shall take a note of any objection made by any person authorized to be present, to any ballot paper found in the ballot box, and shall decide any question arising out of the objection. Each objection to a ballot paper shall be numbered, and a corresponding number shall be placed on the back of the ballot paper, and initialed by the deputy-returning officer. R. S. O., 1897, c. 223, s. 360.

To be numbered.

Deputy returning officer's duties after votes are counted.

**361.** Every deputy-returning officer, at the completion of the counting of votes after the close of the poll, shall, in the presence of the persons authorized to attend, make up into separate packets, sealed with his own seal, and the seals of such persons authorized to attend as desire to affix their seals, and marked upon the outside with a short statement of the contents of such packet, the date of the day of the polling, the name of the deputy-returning officer, and of the ward or polling subdivision and of the municipality—

- (a) The statement of votes given for and against the by-law, and of the rejected ballot papers;
- (b) The used ballot papers which have not been objected to and have been counted;
- (c) The ballot papers which have been objected to, but which have been counted by the deputy-returning officer;
- (d) The rejected ballot papers;
- (e) The spoiled ballot papers;
- (f) The unused ballot papers;
- (g) The voters' list and poll book, with the oath in the form of Schedule G annexed thereto; a statement of the number of voters whose votes are marked by the deputy-returning officer, under section 171 of this Act, with the declarations of inability; and the notes taken of objections made to ballot papers found in the ballot box. R. S. O., 1897, c. 223, s. 361

Certificate and declaration of deputy returning officer and return of voters' list and of ballot box.

**362.** Every deputy-returning officer shall, at the close of the poll, certify, under his signature, on the voters' list, in full words, the total number of persons who have voted at the polling place at which he has been appointed to preside, and before placing the voters' list and poll book in their proper package as

as aforesaid, he shall make and subscribe before the clerk of the municipality or before a Justice of the Peace or the poll-clerk, his solemn declaration that the voters' list and poll book were used in the manner prescribed by law and that the entries required by law to be made therein were correctly made. The declaration shall be in the form of Schedule G to this Act, and shall thereafter be annexed to the voters' list. The deputy-returning officer shall then forthwith return the ballot box to the clerk of the municipality. R. S. O., 1897, c. 223, s. 362.

**363.** Every deputy-returning officer, upon being requested so to do, shall deliver to the persons authorized to attend at his polling place a certificate of the number of votes given at the polling place for and against the by-law, and of the number of rejected ballot papers. R. S. O., 1897, c. 223, s. 363.

Deputy re-  
turning officer  
to certify as  
to number of  
votes and  
rejected ballot  
papers.

**364.** The clerk, after he has received the ballot papers and the statements before mentioned of the number of votes given in each polling place, shall, at the time and place appointed by the by-law, in the presence of the persons authorized to attend or such of them as may be present, without opening any of the sealed packets of ballot papers, sum up from such statements the number of votes for and against the by-law, and shall then and there declare the result, and shall forthwith certify to the council, under his hand, whether the required majority of the electors voting upon the by-law have approved or disapproved of the by-law. R.S.O., 1897, c. 223, s. 364; 3 Edw. VII., c. 18, s. 78.

Clerk to cast  
up votes and  
declare result.

**365.** Where the assent of the electors, or of the ratepayers or of a proportion of them, is necessary to the validity of a by-law, the clerk or other officer shall not be entitled to give a casting vote. R. S. O., 1897, c. 223, s. 365.

Clerk not to  
have casting  
vote as to cer-  
tain by-laws.

#### *Requisites of Bonus By-laws.*

**366.**—(1) To render valid a by-law of a municipality for granting a bonus in aid of a railway, or in aid of any water-works or water company, or for taking stock in a railway company, or for lending money to such company, or for guaranteeing the payment of money borrowed by such company, the assent shall be necessary of one-third of all the ratepayers who were entitled to vote, as well as of a majority of the ratepayers voting on the by-law.

Requisites to  
validity of  
certain bonus  
by-laws.

(2) In addition to the certificate required by section 364 of this Act, the clerk, in case of the majority of votes being in favour of the by-law, shall further certify whether or not, as far as shewn by the voters' list and assessment roll, such majority appears to be one-third of all the ratepayers who were entitled to vote on the by-law.

Certificate to  
be given by  
clerk.



(3) In case of dispute as to the result of the vote, the Judge shall have the same powers for determining the question as he has in any case of a scrutiny of the votes.

(4) The petition to the Judge may be by any elector, or by the council; and the proceedings for obtaining the Judge's decision shall be the same, as nearly as may be, as in the case of a scrutiny. R. S. O., 1897, c. 223, s. 366. *See sec. 369.*

Requisites  
to validity of  
bonus by-law.

**366 a.**—(1) To render valid a by-law of the municipality for granting a bonus in aid of any manufacturing industry, the assent shall be necessary of two thirds of all the ratepayers who were entitled to vote on the by-law, unless the number of ratepayers voting against such by-law does not exceed one-fifth of the total number entitled to vote, when the assent of three-fifths only of all the ratepayers shall be necessary, and in addition to the certificate required by section 364 of this Act the clerk, in case of a majority of the votes being in favour of the by-law, shall further certify whether or not, as far as shown by the voters' list and assessment roll, such majority appears to be two-thirds of all the ratepayers who are entitled to vote on the by-law, and if such majority appears to be less than two-thirds of such ratepayers the clerk shall further certify whether or not such majority appears to be three-fifths of all such ratepayers and whether or not the number voting against such by-law appears to be more than one-fifth of the ratepayers so entitled to vote.

(2) In case of a dispute as to the result of the vote, the Judge shall have the same powers for determining the question as he has in any case of a scrutiny of the votes.

(3) The petition to the Judge may be by an elector or by the council, and the proceedings for obtaining the Judge's decision shall be the same as nearly as may be as in the case of a scrutiny. 63 V. c. 33, s. 8 *part*.

(4) Provided, however, that in the case of the Districts of Nipissing, Algoma, Manitoulin, Thunder Bay and Rainy River, such by-law shall be carried if two-thirds of the ratepayers who actually vote (and being a majority of all the ratepayers entitled to vote) shall vote in favour of the by-law. 63 V., c. 33, s. 8 *part*; 3 Edw. VII c. 18, s. 79.

[For the powers of municipalities as to granting bonuses to manufactures, etc., see now sec. 591, par. 12].

#### *Secrecy of Proceedings.*

Maintaining  
secrecy of pro-  
ceedings at  
polling place.

**367.**—(1) Every officer, clerk and person in attendance at a polling place shall maintain and aid in maintaining the secrecy of the voting at the polling place.

Officer not to  
be interfered  
with.

(2) No officer, clerk or other person whosoever, shall interfere with or attempt to interfere with a voter when marking his vote, or otherwise attempt to obtain, at the polling place, information

information as to the manner in which any voter at such polling place is about to vote or has voted.

(3) No officer, clerk or other person shall communicate at any time, to any person, any information obtained at a polling place, as to the manner in which any voter at such polling place is about to vote or has voted.

No information to be given as to how anyone is about to vote or has voted.

(4) Every officer, clerk and person in attendance at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting, and shall not communicate or attempt to communicate any information obtained at such counting, as to the manner in which any vote is given in any particular ballot paper.

Secrecy to be maintained at counting.

(5) No person shall, directly or indirectly, induce any voter to display his ballot paper after he has marked the same, so as to make known to any person the manner in which he has marked his ballot paper.

Voters not to be induced to disclose votes.

(6) Every person who acts in contravention of this section shall be liable, on summary conviction before a Stipendiary Magistrate, Police Magistrate, or two Justices of the Peace, to imprisonment for any term not exceeding six months, with or without hard labour. R. S. O., 1897, c. 223, s. 367.

Penalty for contravening this section.

**368.** The clerk of the municipality, and every officer, clerk or person authorized to attend at a polling place, or at the counting of the votes, shall, before the opening of the poll, make a statutory declaration of secrecy, in the presence, (if he is the clerk of the municipality), of a Justice of the Peace, and (if he is any other officer, or a clerk or an agent), in the presence of a Justice of the Peace, or of the clerk of the municipality, or of a deputy-returning officer. Such statutory declaration of secrecy shall be in the form given in Schedule M to this Act, or to the like effect. R. S. O., 1897, c. 223, s. 368.

Statutory declaration of secrecy to be made by officers, etc., before a poll.

### *Scrutiny.*

**369.** If within two weeks after the clerk of the council which proposed the by-law has declared the result of the voting, any elector who was entitled to vote upon the by-law applies upon petition to the County Judge after giving such notice of the application, and to such persons as the Judge directs, and shews by affidavit to the Judge reasonable grounds for entering into a scrutiny of the ballot papers, and if the petitioner enters into a recognizance before the Judge in the sum of \$100, with two sureties (to be allowed as sufficient by the Judge upon affidavit of justification) in the sum of \$50 each, conditioned to prosecute the petition with effect, and to pay the party against whom the same is brought any costs which may be adjudged to him against the petitioner the Judge may appoint a day and place, within the municipality, for entering into the scrutiny R. S. O., 1897, c. 223, s. 369; 3 Edw. VII c. 18. s. 80.

Scrutiny may be had on application to County Judge.

Notice of time  
of scrutiny.

**370.** At least one week's notice of the day appointed for the scrutiny, shall be given by the petitioner to such persons as the Judge directs, and to the clerk of the municipality. R. S. O., 1897, c. 223, s. 370.

Proceedings.

**371.** On the day and at the hour appointed, the clerk shall attend before the Judge with the ballot papers in his custody and the Judge upon inspecting the ballot papers, and hearing such evidence as he may deem necessary, and on hearing the parties, or such of them as may attend, or their counsel, shall, in a summary manner, determine whether the majority of the votes given, is for or against the by-law, and shall forthwith certify the result to the council. R. S. O., 1897, c. 223, s. 371.

Powers of  
Judge.

**372.** The Judge shall on the scrutiny possess the like powers and authority, as to all matters arising upon the scrutiny, as are possessed by him upon a trial of the validity of the election of a member of a municipal council; and in all cases costs shall be in the discretion of the Judge, as in the case of applications to quash a by-law, or he may apportion the costs as to him seems just. R. S. O., 1897, c. 223, s. 372.

Costs.

#### *Passing by-laws by Council.*

By-law carried  
by voters to be  
passed by  
council.

**373.** A by-law which is duly carried by the vote of the qualified electors, shall within six weeks thereafter be passed by the council. Provided however that where a by-law which the council has been legally required by petition or otherwise to submit to a vote of the electors is duly carried, it shall be the duty of the council within six weeks thereafter to pass the said by-law. R. S. O., 1897, c. 223, s. 373; 3 Edw. VII c. 18, s. 81.

The passing of  
the by-law  
stayed on pre-  
senting of a  
petition.

**374.** In case of a petition for a scrutiny being presented, the by-law shall not be passed by the council until after the petition has been disposed of; and the time which intervenes between the presenting of the petition and the final disposal thereof shall not be reckoned as part of the six weeks within which the by-law is to be passed. R. S. O., 1897, c. 223, s. 374.

#### DIVISION IV.—CONFIRMATION OF BY-LAWS.

*By publication. Sec. 375.*

*Notice. Sec. 376.*

*When not moved against. Sec. 377.*

Promulgation  
of by-laws.

**375.** The promulgation of a by-law shall consist in the publication, through the public press, of a true copy of the by-law, and of the signature attesting its authenticity, with a notice



notice appended thereto of the time limited by law for applications to quash the same or any part thereof, and the publication aforesaid shall be in such public newspaper, published either within the municipality or in the county town, or in an adjoining or neighbouring local municipality, as the council by resolution may designate, and the said copy and notice shall for the purpose aforesaid be inserted in at least one number of such paper, each week for three successive weeks. R. S. O., 1897, c. 223, s. 375 ; 62 V. (1) c. 2, sched. (8) ; 63 V. c. 33, s. 12.

**376.** The notice to be appended to every copy of the by-law for the purpose aforesaid, shall be to the effect following:

Form of  
notice to be  
published with  
by-law.

NOTICE.—The above is a true copy of a by-law passed by the municipal council of the \_\_\_\_\_ of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ A. D. 19 \_\_\_\_\_ (and approved by His Honour the Lieutenant-Governor in Council on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ where such approval is required to give effect to the by-law): And all persons are hereby required to take notice that any one desirous of applying to have such by-law, or any part thereof, quashed, must make his application for that purpose to the High Court of Justice, within three months next after the publication of this notice once a week for three successive weeks, in the newspaper called the \_\_\_\_\_ or he will be too late to be heard in that behalf.

R.S.O., 1897, c. 223, s. 376.

**377.** In case no application to quash a by-law is made within three months next after the third publication thereof and of the notice aforesaid, the by-law, or so much thereof as is not the subject of any such application, or is not quashed upon such application, shall, notwithstanding any defect of substance or form, either in the by-law itself, or in the time or manner of passing the same, be a valid by-law, so far as the same ordains, prescribes or directs anything within the proper competence of the council to ordain, prescribe or direct. R.S.O., 1897, c. 223, s. 377.

If not moved  
against within  
the time  
limited, to be  
valid.

#### DIVISION V.—QUASHING BY-LAWS.

*How to proceed. Sec. 378.*

*Time limited for applications. Secs. 379, 380.*

*Motion against for corrupt practices. Secs. 381, 382.*

*Staying proceedings upon the by-law. Sec. 383.*

**378.**—(1) Any resident of a municipality or any other person interested in a by-law, order or resolution of the council thereof, may apply to a Judge of the High Court of Justice upon motion to quash the by-law, order or resolution, in whole or in part for illegality, and the Court upon such motion may

Proceedings  
to quash  
by-law.

quash the by-law, order or resolution in whole or in part for illegality, and may, according to the result of the application, award costs for or against the corporation. R.S.O., 1897, c. 223, s. 378 (1); 3 Edw. VII., c. 18, s. 82 (1).

(2) Notice of the motion shall be served at least seven days before the day on which the motion is to be made.

(3) Upon such motion the by-law, order or resolution may be proved by the production of a copy thereof, certified under the hand of the clerk, and under the corporate seal, and shewn by affidavit to have been received from the clerk. R.S.O., 1897, c. 223, s. 378 (2) (3).

(4) Before any such motion is made or entertained the applicant (or, in case the applicant is a company, some person on its behalf) shall enter into a recognizance before the Judge of the County Court of the county in which is situate the municipality whose by-law is the subject of the notice, himself in the sum of \$50, and two sureties each in the sum of \$50, conditioned to prosecute the motion with effect, and to pay any costs which may be awarded to the municipality against the applicant. R.S.O., 1897, c. 223, s. 378 (4); 3 Edw. VII., c. 18, s. 82 (2).

(5) The Judge may allow the said recognizance upon the sureties entering into proper affidavits of justification, and thereupon the same shall be filed in the High Court with the other papers relating to the motion. R.S.O., 1897, c. 223, s. 378 (5).

Deposit as security for costs of motion to quash by-law.

(6) In lieu of the recognizance mentioned in sub-sections 4 and 5 of this section, the applicant may pay into Court the sum of one hundred dollars as security for any costs which may be awarded to the municipality against the applicant; and the certificate of such payment into Court having been made, shall be filed in the High Court with the other papers relating to the motion. 62 V: (2) c. 26, s. 21, *part*; 3 Edw. VII., c. 18, s. 82 (3).

Application of deposit on determination of application.

(7) Upon the determination of the proceedings the judge may order the money so paid into Court to be applied in the payment of costs, or to be paid out to the applicant in the discretion of the judge according to the result of the application.

Procedure on payment into or out of court

(8) Subject to any rules of Court, all moneys required to be paid into or out of Court under this section shall be paid in and paid out in like manner, as moneys are paid into and out of Court in actions pending in the High Court. 62 V. (2) c. 26, s. 21, *part*.

Application to quash by-law affecting another municipality.

**378a.** Where it is alleged that a by-law of any municipality injuriously affects another municipality or the ratepayers thereof or any of them and that such by-law is illegal or contrary to law the said other municipality or any ratepayer thereof shall have the same right to apply to quash or set aside the by-law as a ratepayer of the municipality which passed

passed or adopted the by-law may have, but in case an application to quash a by-law is made by a municipal corporation hereunder, such corporation shall not be required to give a recognizance or deposit in lieu of a recognizance under section 378. 62 V. (2) c. 26, s. 22; 3 Edw. VII., c. 18, s. 83.

**379.** No application to quash a by-law, order or resolution, in whole or in part, shall be entertained unless the application is made within one year from the passing of the by-law, order or resolution, except in the case of a by-law requiring the assent of electors or ratepayers, where the by-law has not been submitted to, or has not received the assent of the electors or ratepayers; and in such case an application to quash the by-law may be made at any time. R.S.O., 1897, c. 223, s. 379.

Time within which application must be made.  
Exception.

**380.** In case a by-law by which a rate is imposed has been promulgated in the manner hereinbefore specified, no application to quash the by-law shall be entertained after the expiration of three months from the promulgation. R.S.O., 1897, c. 223, s. 380.

Time after which by-law imposing a rate cannot be quashed, if promulgated.

**381.** Any by-law the passage of which has been procured through, or by means of any violation of the provisions of sections 245 and 246 of this Act, shall be liable to be quashed upon an application made in conformity with the provisions hereinbefore contained. R.S.O., 1897, c. 223, s. 381.

Quashing by-laws obtained by bribery, etc.

**382.**—(1) If, before determining an application for the quashing of a by-law, upon the ground that any of the provisions of sections 245 and 246 of this Act have been contravened in procuring the passing of the same, it is made to appear to a Judge of the High Court that probable grounds exist for a motion to quash the by-law, the Judge may, upon such notice to the parties affected as he may direct, make an order for an inquiry to be held concerning the said grounds before the Judge of the County Court of the county in which the municipality which passed the by-law is situate, and may require that upon the inquiry all witnesses, both against and in support of the by-law, shall be orally examined and cross-examined upon oath before the County Court Judge.

Procedure in such case.  
Inquiry by County Judge

(2) The County Court Judge shall thereupon return the evidence so taken before him, to the proper office of the High Court of Justice; and after the return of the evidence, and upon reading the same, a Judge of the High Court may, upon notice to such of the parties concerned as he thinks proper, proceed to hear and determine the question; and if the grounds therefor appear to him to be satisfactorily established, he may make an order quashing the by-law, and may order the costs of the proceedings to be paid by the parties who

Return of evidence.  
Judgment



Costs.

who have supported the by-law or any of them; and if it appears that the application to quash the by-law ought to be dismissed, the Judge may so order, and may in his discretion order the costs to be paid by the persons applying to quash the by-law. R.S.O., 1897, c. 223, s. 382.

Stay of proceedings on the by-law.

**383.** After an order has been made by a Judge directing an inquiry, and after a copy of the order has been left with the clerk of the corporation the by-law of which is in question, all further proceedings upon the by-law shall be stayed until after the disposal of the application in respect of which the inquiry has been directed; but if the matter is not prosecuted to the satisfaction of the Judge he may remove the stay of proceedings. R.S.O., 1897, c. 223, s. 383.

#### DIVISION VI.—BY-LAWS CREATING DEBTS.

*Requisite formalities. Secs. 384-386.*

*Principal may be repayable by annual instalments. Sec. 386.*

*Special rates a charge on property. Sec. 387.*

*Assent of electors, when required. Secs. 388, 389.*

*When special council meetings requisite. Sec. 390.*

*When repealable and when not. Secs. 391, 392.*

*Illegal repeal to be ignored by municipal officers. Sec. 393.*

*Purchase of public works, etc., by councils. Sec. 394.*

*Rates to be imposed therefor. Sec. 395.*

By-laws for contracting debts.

**384.**—(1). Every municipal council may, under the formalities required by law, pass by-laws for contracting debts for any purpose within the jurisdiction of the council, by borrowing money or otherwise, and for levying rates on the rateable property of the municipality for payment of such debts; but no such by-law shall be valid which is not in accordance with the following restrictions and provisions, except in so far as is otherwise provided in the next following two sections of this Act.

Day when by-law to take effect.

(2) The by-law, (if not creating a debt for the purchase of public works, whether of this Province or of the Dominion of Canada, pursuant to the statutes in that behalf and to the provisions of sections 394 and 395), shall name a day in the financial year in which the same is passed when it is to take effect; and if no day is named it shall take effect on the day of the passing thereof. R.S.O., 1897, c. 223, s. 384 (1), (2).

Debentures, when to be dated and issued.

(3) The debentures shall, save as hereinafter provided, be dated and issued all at one time, and in such case within two years after the passing of the by-law; provided that in

in any case where, because of the proposed expenditure upon the objects for which the debt is contracted being estimated to extend over a series of years, and it being undesirable to have large portions of the moneys in hand unused and uninvested, or for other like or sufficient causes set out in the by-law, it would, in the opinion of the municipal council, be to the advantage of the municipality, to issue the debentures in instalments, the by-law may provide that the debentures may be issued in instalments of such amounts (not exceeding in the aggregate the total amount for which provision is made by the by-law), and at such times, as the exigency of the case demands, but so that the whole shall be issued within five years, and the first instalment within two years, after the passing of the by-law, and in such case the debentures may be issued according to the provisions of the by-law. This subsection and subsection 4 of this section shall apply to by-laws passed on or before the 15th day of April, 1901, as well as to by-laws passed after the said date. 3 Edw. VII, c. 18, s. 84 (1).

(4) If contracted for railways, iron or other smelting works, harbour works or improvements, gas or water-works, or for the construction of sewers, the purchase and improvement of parks or the erection of public school houses, or for electric light works or electric power or water privileges and land used in connection therewith, the whole debt, or each instalment of the debt, as the case may be, and the obligations to be issued therefor, respectively shall be made payable in thirty years at furthest from the time or times when the debentures are issued; and unless contracted for any of the purposes aforesaid, or for the purchase of public works, as aforesaid, then in twenty years at furthest from the time or times when the debentures are issued. R. S. O., 1897, c. 223, s. 384 (4); 63 V. c. 33, s. 13; 2 Edw. VII, c. 29, s. 11; 3 Edw. VII, c. 18, s. 84 (2). *See sec. 565.*

When to be made payable.

(5) The by-law shall settle a certain specific sum to be raised annually, for the payment of interest during the currency of the debentures or of each instalment of the debentures, as the case may be, and also a certain specific sum to be raised annually for the payment of the debt, or of each instalment thereof, as the case may be; and the said sums shall be such as will be sufficient, with the estimated interest on the investments thereof, to discharge the debt, or the instalment, as the case may be, when payable; and the annual rate required for such purposes shall begin from the date when the debentures are by the by-law directed or authorized to be issued as aforesaid.

Special rate.

(6) No by-law passed before the 1st day of July, 1897, shall be deemed to be invalid by reason only of such annual rate commencing at a time subsequent to the year in which the by-law took effect, or because the levy of such annual rate did not begin until the fulfilment of conditions contained in the by-law.

Commencement of annual rate.

(7)

Debentures issued under certain special Acts not affected.

(7) Nothing in this section contained shall apply to or affect any debentures issued or to be issued in pursuance of section 21 of the Act passed in the 54th year of the reign of Her late Majesty Queen Victoria, chaptered 72, or sections 1 and 3 of the Act passed in the 57th year of the said reign, chaptered 71.

Interest on investments shown estimated.

(8) In settling the sum to be raised annually for the payment of the debt, the rate of interest on investments shall not be estimated at more than four per cent. per annum to be capitalized yearly :

Property on which rate to be levied.

(9) The by-law shall provide that such annual sum shall be raised and levied in each year by a special rate sufficient therefor, on all the rateable property in the municipality ; or, (if the by-law is for a work payable by local assessment), on all the property rateable under the by-law or per foot frontage as the case may be :

Recitals :

(10) The by-law, unless it is for a work payable by local assessment, shall recite :

Amount and object of debt ;

(a) The amount of the debt which the new by-law is intended to create, and, in some brief and general terms, the object for which it is to be created ;

Amount to be raised annually ;

(b) The total amount required by this Act to be raised annually by special rate for paying the new debt and interest ;

The value of the rateable property ;

(c) The amount of the whole rateable property of the municipality according to the last revised, or revised and equalized assessment roll ;

Amount of existing debt.

(d) The amount of the existing debenture debt of the municipality, and how much (if any) of the principal or interest is in arrear. R. S. O., 1897, c. 223 s. 384 (5)-(10.)

By-law for a work payable by local assessment must state amount and object of debt.

**385.**—(1) If the by-law is for a work payable by local assessment, it shall recite :

Amount to be raised annually ;

(a) The amount of the debt which the by-law is intended to create, and, in some brief and general terms, the object for which it is to be created ;

(b) The total amount required by this Act to be raised annually by special rate for paying the debt and interest under the by-law ;

Value of real property rateable :

(c) The value of the whole real property rateable under the by-law, as ascertained and finally determined as aforesaid ;

That debt created on security of special rate.

(d) That the debt is created on the security of the special rate settled by the by-law, and on that security only.

Power to guarantee local improvement debentures.

(2) In the case of by-laws passed, or to be passed for works payable by local assessment, in order to facilitate the negotiation of debentures issued thereunder, and add to their commercial value, the council of any township, city, town, or village,



village, may declare that the debt to be created on the security of the special rate settled by the by-law is further guaranteed by the municipality at large, anything contained in clause (d) of subsection 1 of this section to the contrary notwithstanding. R. S. O., 1897, c. 223, s. 385.

**386.**—(1) In any case of passing a by-law for contracting a debt, by borrowing money for any purpose, the municipal council may, in its discretion, make the principal of the debt, or of each instalment of the debt, as the case may be, repayable by yearly sums, during the currency of the period (not exceeding thirty years, if the debt is for railways, harbour works or improvements, gas or water-works or for the construction of sewers, the purchase and improvement of parks or the erection of public school houses, or for electric light works and not exceeding twenty years if the debt is for any other purpose except the purchase of public works—as in subsection 2 of section 384 mentioned), within which the debt, or the instalment of the debt, as the case may be, is to be discharged; and such yearly sums shall be of such amounts that the aggregate amount payable for principal and interest in any year in respect of the debt, or of the instalment, as the case may be, shall be equal, as nearly as may be, to what is payable for principal and interest during each of the other years of such period; and the council may issue the debentures of the municipal corporation for the amounts, and payable at the times corresponding with such yearly sums, together with interest, annually or semi-annually, as may be set forth and provided in the by-law. R. S. O., 1897, c. 223, s. 386 (1); 61 V. c. 23, s. 15; 2 Edw. VII, c. 29, s. 11.

(2) The by-law shall set forth a certain specific sum, to be raised in each year during the currency of the debt, or of the instalment of the debt, as the case may be, which sum shall be sufficient to discharge the several yearly sums of principal and interest accruing due, as the said yearly sums become, respectively, payable according to the terms of the by-law; and in cases within this section it shall not be necessary that any provision be made for sinking fund. R. S. O., 1897, c. 223, s. 386 (2).

(3) Any municipal council issuing debentures under any by-law may include the interest on the debentures in the amount payable, in lieu of the interest being payable annually in respect of each debenture, and any by-law authorizing the issue of debentures for a certain amount and interest shall be taken to authorize the issue of debentures in accordance with this section to the same amount, with interest added. 3 Edw. VII., c. 18, s. 85.

**387.** Every special assessment made, and every special rate imposed and levied, under any of the provisions of this Act, and all sewer rents and charges for work or services done by the corporation, upon the default of the owners of real estate, under

Making debt payable in annual instalments.

Sum to be raised annually, to be named in by-law.

Interest on debentures.

Special rates a charge on property.

under the provisions of any valid by-law of the council of the corporation, shall form a lien and charge upon the real estate upon, or in respect of which, the same have been assessed and rated or charged, and shall be collected in the same manner, and with the like remedies, as ordinary taxes upon real estate are collectable, under the provisions of *The Assessment Act*. R. S. O., 1897, c. 223, s. 387.

Rev. Stat.  
c. 224.

County by-laws for raising more than \$20,000 in any year to be submitted to electors.

**388.** A county council elected under this Act may, during any one term for which it is elected, raise by a by-law or by-laws for contracting debts or loans not more than \$20,000 over and above the sums required for its ordinary expenditure without submitting such by-law or by-laws for the assent of the electors. R. S. O., 1897, c. 223, s. 388.

City by-laws for raising money for certain bridges without assent of electors.

**388a.** The council of a city by by-law passed at any meeting of the council, without submitting the same for the assent of the electors, but subject to the approval of such by-law by the Lieutenant-Governor in Council, may raise such sum or sums of money as may be required to pay and liquidate its share of the cost and expense incurred in building and constructing and also of rebuilding and reconstructing bridges over any stream, which constitutes a dividing line between such city and any other municipality, and may in like manner pass a by-law or by-laws to raise such sum or sums of money as may be required to re-build any existing bridge within the municipality, and for such purposes, may issue debentures at such rates, for such times, not exceeding 20 years at the farthest and upon such terms as such council may deem advisable; provided always that the aggregate amount to be raised for all of said purposes in any one year shall be limited according to population as follows: by a city having a population of not more than 20,000 the sum of \$10,000; by a city with a population of more than 20,000 and not more than 100,000 the sum of \$15,000; by a city with a population more than 100,000, \$20,000; such population to be determined by the last preceding Dominion census. 62 V. (2) c. 26, s. 23.

Proviso.

By-laws for raising money not for ordinary expenses must (with certain exceptions) receive assent of electors.

Rev. Stat.  
c. 226.

**389.**—(1) ~~Subject to the provisions of the two last preceding sections, every by-law (except for drainage, as provided for under *The Municipal Drainage Act*, or for a work payable entirely by local assessment or under section 9 of *The Act for the Improvement of Public Highways* passed in the first year of the Reign of His Majesty King Edward the Seventh) for raising, upon the credit of the municipality, any money not required for its ordinary expenditure, and not payable within the same municipal year, shall, before the final passing thereof, be submitted to the electors of the municipality in the manner provided for in section 338 and following sections of this Act.~~ R.S.O., 1897, c. 223, s. 389 (1); 3 Edw. VII., c. 18, s. 87.

Exception as to erecting court houses and offices.

(2) Where a county and city are united for judicial purposes, the council of the county or city may, at any meeting of

See how.

of the council, without submitting the same for the assent of the electors of such county or city, as the case may be, pass a by-law or by-laws for contracting a debt, by raising such sums of money as may be required for erecting, building and furnishing a court house and offices to be used in connection therewith, and for acquiring such land as may be necessary or convenient for the purposes of such court house and offices, and may for that purpose issue debentures at such rates and upon such terms and payable at such times as they may do for meeting any other liability of the said county or city.

(3) The council of a city or of a town withdrawn from the county, may by by-law passed at any meeting of the council, without submitting the same for the assent of the electors, raise such sums of money as may be required to liquidate their share of the county debt (as awarded or agreed upon pursuant to this Act), and may, for that purpose, issue debentures at such rates, for such times and upon such terms as they are entitled to do for meeting any other liability of said city or town. R. S. O., 1897, c. 223, s. 389 (2) (3).

Exception as to payment by a city or town of share of county debt.

**390.** Except in the case provided for by subsection 2 of the last preceding section, no by-law of a county council for contracting any such debt or loan, as is mentioned in section 388 of this Act, shall be valid, unless the same is passed at a meeting of the council specially called for the purpose of considering the same, and held not less than three months after a copy of the by-law, as the same is ultimately passed, together with a notice of the day appointed for the meeting, has been published in some newspaper issued weekly or oftener within the county as constituted for judicial purposes, or if there is no such public newspaper, then in a public newspaper published nearest to the county, which said notice may be to the effect following :

Certain by-laws of county council not to be valid unless passed at meeting specially called and held three months after notice, etc.

The above is a true copy of a proposed by-law, to be taken into consideration by the county council of the County (or United Counties) of \_\_\_\_\_, at \_\_\_\_\_, in the said County (or United Counties), on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at the hour of \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon, at which time and place the members of the Council are hereby required to attend for the purpose aforesaid.

Form of notice.

G. H.  
Clerk.

R. S. O., 1897, c. 223, s. 390.

**391.** Where part only of a sum of money provided for by a by-law has been raised, the council may repeal the by-law as to any part of the residue, and as to a proportionate part of the special rate imposed therefor, provided (a) the repealing by-law recites the facts on which it is founded, (b) is appointed to take effect on the 31st day of December in the year of its passing, (c) does not affect any rates due, or penalties incurred before that day, and (d) is first approved by the Lieutenant-Governor in Council. R. S. O., 1897, c. 223, s. 391.

When part only of money raised, by-law may be repealed as to residue.



Until debt paid certain by-laws can not be repealed,

nor altered.

Exceptions.

**392.** After a debt has been contracted, the council shall not, until the debt and interest have been paid, repeal the by-law under which the debt was contracted, or any by-law for paying the debt or the interest thereon, or for providing therefor a rate or additional rate, or for appropriating thereto the surplus income of any work or of any stock or interest therein, or money from any other source; and the council shall not alter a by-law providing any such rate, so as to diminish the amount to be levied under the by-law, except in the cases herein authorized, and shall not apply to any other purpose any money of the corporation which, not having been previously otherwise appropriated by any by-law or resolution, has been directed to be applied to such payment. R. S. O., 1897, c. 223, s. 392.

No officer to neglect, etc., to carry out by-law for payment under colour of illegal by-law.

**393.** No officer of the municipality shall neglect or refuse to carry into effect a by-law for paying a debt under colour of a by-law illegally attempting to repeal such first mentioned by-law, or to alter the same so as to diminish the amount to be levied under it. R. S. O., 1897, c. 223, s. 393.

Municipal councils may purchase public works, etc. and contract debts to

**394.** Any council may contract a debt to His Majesty in the purchase of any of the public roads, harbours, bridges, buildings or other public works in Ontario, whether belonging to this Province or to the Dominion of Canada, or of any claim in respect of such works, or of any right to collect tolls on such road or bridge, or for making such road or bridge wholly or partly free from tolls; and may execute such bonds, deeds, covenants and other securities to His Majesty as the council deems fit, for the payment of the price of any such public work or claim already sold or transferred, or which may be sold or transferred, or agreed to be sold or transferred to the municipal corporation, and for securing the performance and observance of all or any of the conditions of sale or transfer; and may also pass all necessary by-laws for any of the purposes aforesaid; and all such by-laws, debts, bonds, deeds, covenants and other securities shall be valid, although no special or other annual rate has been settled or imposed, to be levied in each year, as provided by sections 384 to 386 of this Act. R. S. O., 1897, c. 223, s. 394.

although no special or other annual rate settled.

Rates may be imposed for the payment of debts contracted with the Crown for such works.

**395.** The council may, in any by-law to be passed for the creation of such debt, or for the execution of such bonds, deeds, covenants or other securities as aforesaid, to His Majesty, or in any other by-law to be passed by the council, settle and impose a special rate per annum, of such amount as the council deem expedient, in addition to all other rates whatsoever, to be levied in each year upon the assessed rateable property within the municipality, for the payment and discharge of such debts, bonds, deeds, covenants or other securities, or some part thereof; and the by-laws shall be valid, although the rate settled or imposed thereby is less than is required by sections 384 to 386; and the said sections shall, so far

as

as applicable, apply and extend to every such by-law, and the moneys raised or to be raised thereby, as fully in every respect as such provisions would extend or apply to any by-law enacted by any council for the creation of any debt as provided in the said sections, or to the moneys raised or to be raised thereby. R. S. O., 1897, c. 223, s. 395.

#### DIVISION VII.—REGISTRATION OF BY-LAWS AND NOTICE THEREOF.

*By-laws creating debts to be registered. Sec. 396.*

*Notices thereof to be published. Sec. 397.*

*Exception as to certain local improvement by-laws. Sec. 398.*

*Application to quash—procedure. Sec. 399.*

*Registered local improvement by-laws to be valid. Sec. 400.*

*Application to quash such by-laws. Sec. 401.*

**396.**—(1) Subject to the provisions of section 398 of this Act, a duplicate original or a copy certified as hereinafter mentioned of every by-law passed by any municipality for contracting any debt, by the issue of debentures for a longer term than one year, and for levying rates for the payment of such debts, on the rateable property of the municipality, or any part thereof, shall, within four weeks after the final passing thereof, be transmitted by the clerk of the municipality, in the case of a county to the registrar of the registry division in which the county town is situate, and in the case of a local municipality to the registrar of the registry division in which the local municipality is situate. R. S. O., 1897, c. 223, s. 396, (1) ; 62 V. (2), c. 26, s. 24, (1).

By-laws creating debts to be registered.

(2) The registrar shall receive and file in his office, and enter in the proper book, every by-law so transmitted to him. Such book shall be called the by-laws book and shall contain the following particulars : The registration number, the by-law number of the municipality, the title, the amount of the debt, the term of the debentures, the rate of interest, and the number of years over which the debentures are to extend, also whether the rates to be levied are upon the whole rateable property of the municipality or on part thereof. R. S. O., 1897, c. 223, s. 396, (2) ; 62 V. (2) c. 26, s. 24, (2).

Registration of by-laws.

(3) The by-law shall be certified and authenticated by the seal of the municipal corporation, and the signature of the head thereof or of the person presiding at the meeting at which the by-law has been made and passed, and that of the clerk of the corporation.

Proof for registration.

(4) The copy so certified shall be open to public inspection and examination at all reasonable times and hours upon payment of the proper fees.

Inspection of registered by-laws.

(5)

Fees of  
registrar.

(5) The registrar shall be entitled to the fees following :

For registration of each such certified copy..... \$2 00  
For making search, inspecting each copy of by-law, and examining  
entries connected therewith..... 50

Penalty.

(6) Any clerk who neglects to perform within the proper period any duty devolving upon him in virtue of this section shall be subject to a fine of \$200, to be recovered by prosecution in the name of the Attorney-General of Ontario in any court of competent jurisdiction, and in default of payment, to imprisonment for a period not exceeding twelve months. R. S. O. 1897, c. 223, s. 396, (3)-(6).

Publication of  
notice.

**397.**—(1) Notice of the passing of every such by-law which has not been submitted to the ratepayers, shall, immediately after the registration of the by-law, be published in such public newspaper, published either within the municipality, or in the county town, or in a neighbouring local municipality, as the council may designate by resolution, and the said notice shall for the purpose aforesaid be inserted in at least one number of such paper each week for three successive weeks. R. S. O., 1897, c. 223, s. 397, (1); 63 V. c. 33, s. 14.

Form of  
notice.

(2) The notice shall be in the form following or to the like effect :

Notice is hereby given that a by-law was passed by the \_\_\_\_\_ of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ A.D. 19\_\_\_\_, providing for the issue of debentures to the amount of \$\_\_\_\_, for the purpose of \_\_\_\_\_ and that such by-law was registered in the registry office of \_\_\_\_\_ the county of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ A.D. 19\_\_\_\_.

Any motion to quash or set aside the same or any part thereof, must be made within three months after the first publication of this notice, and cannot be made thereafter.

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

Clerk.

R. S. O., 1897, c. 223, s. 397 (2); 3 Edw. VII., c. 18, s. 89.

Exception as  
to local im-  
provement by-  
laws.  
Rev. Stat.  
c. 226.

**398.** Nothing in sections 396 to 401 inclusive contained shall make it obligatory upon any city, town, township or village to register any by-laws providing for the issue of debentures, passed under the provisions of *The Municipal Drainage Act*, or under the provisions of this Act relating to local improvements, but the same may be so registered at the option of the municipality, and it shall not be necessary to publish notice of the passing or the registration thereof. R.S.O., 1897, c. 223. s. 398; 63 V. c. 33 s. 15; 3 Edw. VII., c. 18, s. 90.

Applications  
to set aside  
by-law.

**399.**—(1) Every by-law registered under section 396 of this Act, or registered before the sale of the debentures issued thereunder, and also the said debentures shall be absolutely valid and binding upon the municipality, according to the terms thereof, and the by-law shall not be quashed or set aside on any



any ground whatever, unless, within three months from the registry thereof, or where publication of the notice of registration is required by section 397, then after the first publication of such notice, an application or action to quash or set aside the same is made to or brought in some Court of competent jurisdiction, and a certificate under the hand and seal of the Clerk of the Court, stating that such action or proceeding has been brought or application made, has been registered in said registry office within the said period of three months. R. S. O., 1897, c. 223, s. 399 (1); 3 Edw. VII., c. 18, s. 91.

(2) The certificate shall be in the form or to the effect following :

Form of certificate of pending action.

In the (Name of Court)  
This is to certify that in a certain action or proceeding in this Court, entitled the validity of by-law No.  
of the intituled  
has been called in question (If a portion only of the by-law is called in question, state the fact).

Dated,

(Signed,) A. B.  
Clerk of



(3) If the action or proceeding is dismissed, in whole or in part, then, on the expiration of three months from the date of the registration of the by-law, the by-law or so much thereof as is not the subject of the application, or is not quashed upon the application shall be absolutely valid and binding, according to the terms thereof. Upon the dismissal of such action or proceeding, a certificate to that effect may be registered in the said registry office.

When by-law or so much thereof as is not quashed, to be valid.

Certificate of dismissal of action.

(4) The certificate of dismissal of the action or proceeding shall be in the form or to the effect following :

Form of certificate of dismissal of action.

In the (Name of Court,)  
I hereby certify that the action or proceeding in this Court, intituled calling in question the validity of  
by law No. of the has  
been dismissed (or if dismissed in part and granted in part, set out the order made, verbatim).

Dated

(Signed,) A. B.  
Clerk of



(5) The registrar shall be entitled to the sum of fifty cents for registering either of said certificates.

Fee for registration.

(6) Nothing in this section contained shall be taken to make valid a by-law or the debentures issued thereunder where it appears on the face of such by-law that the provisions of subsections 4, 5, 8 and 9 of section 384 or the provisions of section 386 of this Act have not been substantially complied with. R.S.O., 1897, c. 223, s. 399 (2)-(6).

Illegal by-laws not validated.

400.—(1) Every by-law providing for the issue of debentures passed under the provisions of this Act relating to local improvements,

Irregularities in form not to invalidate

debentures in  
certain cases.

improvements, where the same has been so registered, and the debentures issued thereunder, and the assessment made upon the real property therein mentioned shall, notwithstanding any defect of substance or form either in the by-law itself, or in the time and manner of passing the same, be absolutely valid and binding according to the terms thereof, upon the municipality and upon such real property, and shall not be quashed or set aside on any ground whatever, unless an application or action to quash or set aside the same is made to some Court of competent jurisdiction, within one month from the registry thereof.

Application to  
by-laws passed  
under sec-  
tion 678.

(2) The provisions of this section shall also apply to all by-laws passed under section 678 of this Act, and to the debentures issued thereunder. R.S.O., 1897, c. 223, s. 400.

Registration  
of certificate  
of application  
to quash.

**401.** Where any action or proceeding is brought or taken or where an application is made to quash or set aside such by-law so registered, a certificate thereof under the hand and seal of the Clerk of the Court in the form given in subsection 2 of section 399, or to the same effect shall be registered in the proper registry office within five weeks from the date of registering the by-law, and in default thereof the Court may refuse to hear, or may dismiss any such action, proceeding, motion or application to quash or set aside the by-law. R.S.O., 1897, c. 223, s. 401.

#### DIVISION VIII.—BY-LAWS RESPECTING YEARLY RATES.

*Amount and limit of Rates.* Sec. 402.

*How estimated.* Sec. 403.

*Estimates and by-laws to be annual.* Secs. 404, 405.

*In case of deficiency.* Secs. 406, 407.

*In case of excess.* Sec. 408.

*Date from which taxes imposed.* Sec. 409.

*Priority of debentures.* Sec. 410.

*Power to exempt from taxation.* Sec. 411.

*Reduction of special rate.* Sec. 412.

*Formalities in by-law therefor.* Sec. 413.

Yearly rates  
to be levied,  
sufficient to  
pay all debts  
payable with-  
in the year.

Aggregate  
rate limited to  
two cents in  
the dollar.

**402.**—(1) The council of every municipal corporation, and of every provisional corporation, shall in each year assess and levy on the whole rateable property within its jurisdiction, a sufficient sum to pay all valid debts of the corporation, whether of principal or interest, falling due within the year; but no such council shall assess and levy in any one year more than an aggregate rate of two cents in the dollar on the actual value, exclusive of school rates and local improvement rates. R. S. O., 1897, c. 223, s. 402 (1).

Provision  
when such

(2) If in a municipality the aggregate amount of the rates necessary for payment of the current annual expenses of the municipality,

municipality, and of the interest and principal of the debts contracted by the municipality exceeds the said aggregate rate of two cents in the dollar on the actual value of such rateable property, the council of the municipality shall levy such further rates as may be necessary to discharge obligations incurred up to that date, but shall contract no further debts until the annual rates required to be levied within the municipality are reduced within the aggregate rate aforesaid; but this shall not affect any special provisions to the contrary contained in any special Act now or hereafter in force. R.S.O., 1897, c. 223, s. 402 (2); 3 Edw. VII., c. 18, s. 92.

aggregate not sufficient to pay debts payable within the year.  
Proviso.

**403.** In counties and local municipalities the rates shall be calculated at so much in the dollar upon the actual value of all the real and personal property liable to assessment therein. R.S.O., 1897, c. 223, s. 403.

How rates to be calculated.

**404.** The council of every county and of every local municipality shall every year make estimates of all sums which may be required for the lawful purposes of the county or local municipality, for the year in which such sums are required to be levied, each municipality making due allowance for the cost of collection, and of the abatement and losses which may occur in the collection of the tax, and for taxes on the lands of non-residents which may not be collected. R.S.O., 1897, c. 223, s. 404.

Estimates to be made annually.

**405.** The council of every municipality may pass one by-law, or several by-laws, authorizing the levying and collecting of a rate or rates of so much in the dollar upon the assessed value of the property therein as the council deems sufficient to raise the sums required on such estimates. R.S.O. 1897, c. 223, s. 405.

By-laws for raising money by rate.

**406.** If the amount collected falls short of the sums required, the council may direct the deficiency to be made up from any unappropriated fund belonging to the municipality. R.S.O., 1897, c. 223, s. 406.

If the amount collected falls short.

**407.** If there is no unappropriated fund, the deficiency may be equally deducted from the sums estimated as required, or from any one or more of them. R.S.O., 1897, c. 223, s. 407.

Estimates may be reduced.

**408.** If the sums collected exceed the estimates, the balance shall form part of the general fund of the municipality, and be at the disposal of the council, unless otherwise specially appropriated; but if any portion of the amount in excess has been collected on account of a special tax upon any particular locality, the amount in excess collected on account of such special tax shall be appropriated to the special local object. R.S.O., 1897, c. 223, s. 408.

When sums collected exceed estimate, appropriation of the balance.



Yearly taxes to be computed from 1st January, unless otherwise ordered.

**409.** The taxes or rates imposed or levied for any year shall be considered to have been imposed, and to be due on and from the 1st day of January of the then current year ending with the 31st day of December thereof, unless otherwise expressly provided by the enactment or by-law under which the same are directed to be levied. R.S.O., 1897, c. 223, s. 409.

Priority of debentures.

How rates for paying them to be calculated.

To be applied solely to such purposes.

**410.**—(1) All debentures issued before the 1st day of January, 1867, by municipal corporations, under any by-law, and based upon the yearly value of rateable property at the time of the passing of such by-law, shall hold the order of priority which they occupied on the said 1st day of January, 1867; and each municipal corporation having so issued debentures shall levy a rate on the actual real value of the rateable property within the municipality, sufficient to produce a sum equal to that leviable or produced on the yearly value of such property as established by the assessment roll for the year 1866; and such rates shall be applied solely to the payment of such debentures, or of the interest on such debentures, according to the terms of the by-laws under which they were issued.

Rate for sinking fund.

(2) In cases where a sinking fund is required to be provided either by the investment of a specific rate or amount, or on a rate on the increase in value over a certain sum, then such a rate shall be levied as shall at least equal the sum originally intended to be set apart. R.S.O., 1897, c. 223, s. 410.

*[Rev. Stat., c. 223, s. 411, relating to the exemption of manufactories, etc., from taxation was repealed by 62 V. (2) c. 26, s. 25, which was subsequently repealed by 63 V. c. 33, s. 11 (1).—The granting of exemption from taxation comes now within the definition of a bonus—See section 591, par. 12.]*

When the rate imposed by a by-law may be reduced.

**412.**—(1) If, on account of a sum being on hand from a previous year, or a sum being on hand which has been derived from the work, or from the investment of the sinking fund, or on account of the increased value of property liable to assessment, it is found to be unnecessary to levy the full rate imposed by any by-law, in order to raise the instalment of the sinking fund and interest thereby required to be raised for any year, or to raise such instalments for any future years of the then unexpired time which the debentures have to run, the council may pass a by-law reducing the rate for such year or for any such future years, so that no more money may be collected than the amount required.

(2) No such by-law shall be passed unless, having regard to the time the debentures have to run, a proper proportion of sinking fund and interest has been levied, according to the intention of the original by-law. R.S.O., 1897, c. 223, s. 412.

**413.** No by-law passed under the preceding section shall be valid unless, after it is passed, it is approved by the Lieutenant-Governor in Council; and the facts which authorize the passing of such by-law shall, on its submission for approval, be verified in the manner provided by section 325 of this Act. R.S.O., 1897, c. 223, s. 413.

By-law to be approved by Lieutenant-Governor.

#### DIVISION IX.—ANTICIPATORY APPROPRIATIONS.

*When and how made. Secs. 414, 415.*  
*On separation of municipalities. Sec. 416.*

**414.** In case a council desires to make an anticipatory appropriation for the next ensuing year in lieu of the special rate for such year, in respect of any debt, the council may do so, by by-law, in the manner and subject to the provisions and restrictions following:—

Anticipatory appropriations may be made.

1. The council may carry to the credit of the sinking-fund account of the debt, as much as may be necessary for the purpose aforesaid,

What funds may be so appropriated.

(a) Of any money at the credit of the special rate account of the debt beyond the interest on such debt for the year following that in which the anticipatory appropriation is made;

(b) And of any money raised for the purpose aforesaid by additional rate or otherwise;

(c) And of any money derived from any temporary investment of the sinking fund;

(d) And of any surplus money derived from any corporation work or from any share or interest therein;

(e) And of any unappropriated money in the treasury;

such moneys respectively not having been otherwise appropriated.

2. The by-law making the appropriations shall distinguish the several sources of the amount, and the portions thereof to be respectively applied for the interest and for the sinking fund appropriation of the debt for the next ensuing year.

The sources and application to be stated.

3. In case the moneys so retained at the credit of the special rate account, and so appropriated to the sinking fund account, from all or any of the sources above mentioned, are sufficient to meet the sinking fund appropriation and interest for the next ensuing year, the council may then pass a by-law directing that the original rate for such next ensuing year be not levied.

When moneys retained sufficient, the yearly rate may be suspended for the ensuing year.

R. S. O., 1897, c. 223, s. 414.

By-law must  
recite—

The original  
debt and  
object ;

The amount  
paid ;

The annual  
amount for  
sinking fund.

The amount  
for sinking  
fund in hand ;

The amount  
required for  
interest ;

And that it is  
reserved, etc.

**415.**—(1) The by-law shall not be valid unless it recites—

(a) The original amount of the debt, and in brief and general terms, the object for which the debt was created ;

(b) The amount, if any, already paid of the debt ;

(c) The annual amount of the sinking-fund appropriation required in respect of such debt ;

(d) The total amount, then on hand, of the sinking fund appropriations, in respect to the debt, distinguishing the amount thereof in cash in the treasury, from the amount temporarily invested ;

(e) The amount required to meet the interest of the debt for the year next after the making of such anticipatory appropriation ; and

(f) That the council has retained at the credit of the special rate account of the debt a sum sufficient to meet the next year's interest (naming the amount of it), and that the council has carried to the credit of the sinking fund account a sum sufficient to meet the sinking fund appropriation (naming the amount of it) for such year.

By-law to be  
approved by  
Lieut.-Governor.

Anticipatory  
appropriation  
on separation  
of municipali-  
ties.

(2) No such by-law shall be valid unless it is approved by the Lieutenant-Governor in Council. R.S.O., 1897, c. 223, s. 415.

**416.** After the dissolution of any municipal union, the senior municipality may make an anticipatory appropriation for the relief of the junior municipality, in respect of any debt secured by by-law, in the same manner as the senior municipality might do on its own behalf. R.S.O., 1897, c. 223, s. 416.

### TITLE III.—RESPECTING FINANCE.

#### DIV. I.—ACCOUNTS AND INVESTMENTS.

#### DIV. II.—COMMISSION OF INQUIRY INTO FINANCES.

#### DIVISION I.—ACCOUNTS AND INVESTMENTS.

*Accounts for special rate and sinking fund. Sec. 417.*

*Surplus on special rate—Application of. Secs. 418, 419.*

*Surplus on special rate—Investment of. Sec. 420.*

*General surplus—Application of. Secs. 421-424.*

*Members of corporations not to be parties to investments.*

*—Liability for loss. Sec. 425.*

*Yearly returns to Government. Secs. 426, 427.*

Two special  
accounts to be  
kept; (1) of the  
special rate ;

**417.** The council of every municipal corporation shall keep in its books two separate accounts of every debt, one for the special rate and one for the sinking fund or for instalments of principal,



principal, both to be distinguished from all other accounts in the books by some prefix designating the purpose for which the debt was contracted; and they shall keep the said accounts, with any others that are necessary, so as to exhibit at all times the state of every debt, and the amount of moneys raised, obtained, and appropriated for payment thereof. R. S. O., 1897, c. 223, s. 417.

**418.**—(1) If after paying the interest of a debt for any financial year, and appropriating the necessary sum to the sinking fund of such debt, or in payment of any instalment of principal, there is a surplus at the credit of the special rate account of such debt, such surplus shall so remain, and may be applied, if necessary, towards the next year's interest; but if such surplus exceeds the amount of the next year's interest, the excess shall be carried to the credit of the sinking fund account, or shall be applied in payment of the principal of such debt.

(2) of the sinking fund or instalments of principal.  
When surplus may be applied to next year's interest, and to sinking fund.

(2) No moneys levied and collected for the purpose of a sinking fund shall in any case be applied towards paying any portion of the current or other expenditures of the municipality save as may be otherwise authorized by this or any other Act.

Moneys levied for a sinking fund not to be diverted.

(3) In the event of the council of a municipality diverting any of said moneys for current or other expenditure, save as aforesaid, the members who vote for the diverting of said moneys shall be personally liable for the amount so diverted, and the said amount may be recovered in any Court of competent jurisdiction; and the members who have voted for the same, shall be disqualified from holding any municipal office for the period of two years. In case the council of the municipality, upon the request of any ratepayer, refuse or neglect for one month thereafter to bring an action therefor in the name of the municipality, the action may be brought by any ratepayer on behalf of himself and of all the other ratepayers of the municipality.

Liability of councillors for diversion of sinking fund.

(4) In every municipality in which any sum of money is required by law to be raised toward a sinking fund, it shall be the duty of the treasurer to prepare and lay before the council in every year, previous to the striking of the annual rate, a statement showing what amount or amounts will be required for the purpose; and any treasurer making default in the performance of the duty imposed by this sub-section, shall be liable to a penalty not exceeding \$25, to be recovered as are other penalties under this Act, at the instance of any ratepayer resident in the municipality.

Treasurer to state annually amount required to be levied for sinking fund.

(5) In the event of the council of a municipality neglecting in any year to levy the amount required to be raised under this or any other Act to provide a sinking fund for the payment of the debenture debt of the municipality, every member of the council shall be disqualified from holding any municipal office

Liability of members of council neglecting to levy for sinking fund.

office for the period of two years; but no member of the council shall be liable to the penalty hereby imposed, who shows to the satisfaction of the Court or Judge that he made reasonable efforts to procure the levying of the rate for the said sinking fund. R. S. O., 1897, c. 223, s. 418.

Application of  
moneys with  
consent of  
Lieut-Governor  
in council.

**419.** The Lieutenant-Governor in Council may, by Order in Council, direct that such part of the produce of the special rate levied, and at the credit of the sinking fund account or of the special rate account as aforesaid, instead of being so invested as hereinafter provided, shall from time to time, as the same accrues, be applied to the payment or redemption, at such value as the said council can agree for, of any part of such debt or of any of the debentures representing or constituting such debt, or any part of it, though not then payable, to be selected as provided in such Order in Council, and the municipal council shall thereupon apply, and continue to apply, such part of the produce of the special rate at the credit of the sinking fund account, or special rate account, as directed by such Order in Council. R. S. O., 1897, c. 223, s. 419.

Investment of  
surplus  
moneys raised  
on special  
rates.

**420.**—(1) If any part of the produce of the special rate levied in respect of any debt, and at the credit of the sinking fund account, or of the special-rate account thereof, cannot be immediately applied towards paying the debt, by reason of no part thereof being yet payable, the council shall, from time to time, invest the same in government securities, municipal debentures, or in first mortgages on real estate held and used for farming purposes, and being the first lien on such real estate, or in local improvement debentures of the municipality, or in such other manner as the Lieutenant-Governor in Council may by general or special Order in Council direct, or in any other debentures of the municipality which may be approved of by the Lieutenant-Governor in Council by such Order in Council; and from time to time, as such securities mature, may invest the proceeds thereof in other like securities; but no sum so invested in mortgages shall exceed two-thirds of the value, according to the last revised and corrected assessment roll at the time it is invested, of the real estate on which it is secured.

To be regulated by by-law.

(2) The council of the municipality may regulate, by by-law, the manner in which such investments shall be made.

Sinking fund  
may be used  
in purchasing  
unsold  
debentures.

(3) It shall not be necessary that any local improvement or other debentures of the municipality referred to in this section shall have been disposed of by the council, but the council may apply the sinking fund to an amount equal to the amount of such debentures towards the purposes to which the proceeds of such debentures would properly be applicable, and the council shall thereupon hold the debentures as an investment on account of the sinking fund, and may deal with the same accordingly. R. S. O., 1897, c. 223, s. 420.

**421.** Any council may by by-law direct that any surplus moneys in the hands of the treasurer, and not specially appropriated to any other purpose, shall be credited to the sinking-fund account of any debenture debt of the municipality, and the council may, subject to the provisions of the preceding section, invest such sinking fund account in any of the securities therein named. R. S. O., 1897, c. 223, s. 421.

Investment of sinking fund.

**422.** A council may appropriate to the payment of any debt the surplus income derived from any public or corporation work, or from any share or interest therein, after paying the annual expenses thereof, or may so appropriate any unappropriated money in the treasury, or any money raised by additional rate; and any money so appropriated shall be carried to the credit of the sinking fund of the debt, or in payment of any instalment accruing due. R. S. O., 1897, c. 223, s. 422.

Council may apply other funds towards such debts.

**423.—(1)** A municipal corporation having surplus moneys derived from "The Ontario Municipalities Fund," or from any other source, may, by by-law, set such surplus apart for educational purposes, and may invest the same, as well as any other moneys held by such municipal corporation for, or by it lawfully appropriated to, educational purposes, in public securities of the Dominion, municipal debentures, or first mortgages on real estate held and used for farming purposes, being the first lien on such real estate; and from time to time, as such securities mature, may invest in such other like securities, or in securities already authorized by law, as may be directed by the by-law, or by other by-laws passed for that purpose.

Certain moneys may be set apart for educational purposes.  
Investment of same.

**(2)** No sum so invested shall exceed two-thirds of the value, according to the last revised and corrected assessment roll at the time it is so invested, of the real estate on which it is secured. R. S. O., 1897, c. 223, s. 423. *See also R. S. O. Cap. 34.*

Proviso as to investment.

**424.** Any municipal corporation having surplus moneys set apart for educational purposes, may, by by-law, invest the same in a loan or loans to any board of school trustees within the limits of the municipality, for such term or terms, and at such rate or rates of interest as may be agreed upon by and between the parties to such loan or loans respectively, and as may be set forth in such by-law; or may by by-law grant any portion of such moneys, or other general funds, by way of gift to aid poor school sections within the municipality. R. S. O., 1897, c. 223, s. 424.

Loans to school trustees.

Aid to poor school sections.

**424a.** The municipal corporation of every township shall have power to apportion by by-law, among the public school sections in the township, the principal or interest of any investments held by the corporation for public school purposes according to the salaries paid to the teachers engaged by the respective school sections during the past year, or according to the

Apportionment of public school moneys among school sections in townships.



the average attendance of pupils at each school section during the same period or according to the assessed value of the property in the section, or by an equal division among the several sections. 63 V. c. 33, s. 16.

No member of corporation to be party to investment.

**425.** No member of a municipal council shall take part in, or in any way be a party to, the investment of such moneys as are mentioned in this Act, by or on behalf of the municipality, otherwise than is authorized by this Act, or by any other law in that behalf made and provided; and any person so doing shall be held personally liable for any loss sustained by the municipality. R.S.O., 1897, c. 223, s. 425.

Liability for loss.

Municipalities indebted to Municipal Loan Fund to make annual returns to Provincial Treasurer.

Penalty for default.

**426.** The treasurer of any municipality for which any sum of money has been raised on the credit of the Consolidated Municipal Loan Fund, shall, so long as any part of such sum, or of the interest thereon, remains unpaid by the municipality, transmit to the Treasurer of Ontario, on or before the 15th day of January in every year, a return, certified on the oath of the treasurer before some Justice of the Peace, containing the amount of taxable property in the municipality according to the then last revised assessment roll or rolls; a true account of all the debts and liabilities of the municipality, for every purpose, for the then last year; and also such further information and particulars with regard to the liabilities and resources of the municipality, as the Lieutenant-Governor in Council may from time to time require, under a penalty, in case of neglect or refusal to transmit the return, account, information or particulars, of \$100, to be recovered, with costs, as a debt due to the Crown. R.S.O., 1897, c. 223, s. 426.

Every council to make a yearly report of the corporation debts to the Lieutenant-Governor, etc.

**427.** Every council shall, on or before the 31st day of January in each year, under a penalty of \$20 in case of default, to be paid to the Treasurer of Ontario, transmit to the Lieutenant-Governor, through the Minister of Agriculture, an account, in such form as may from time to time be prescribed by the Lieutenant-Governor in Council, of the several debts of the corporation, as they stood on the 31st day of December preceding, specifying in regard to every debt of which a balance remained due at that day,

What such report must shew.

1. The original amount of the debt;
2. The date when it was contracted;
3. The days fixed for its payment;
4. The interest to be paid therefor;
5. The rate provided for the redemption of the debt and interest;
6. The proceeds of such rate for the year ending on said 31st day of December;

7. The portion (if any) of the debt redeemed or paid during that year;

8. The amount of interest (if any) unpaid on said 31st day of December; and

9. The balance still due of the principal of the debt. R.S.O., 1897, c. 223, s. 427.

## DIVISION II—COMMISSION OF INQUIRY INTO FINANCES.

*When granted—Expenses of. Sec. 428.*

**428.**—(1) In case one-third of the members of any council or thirty duly qualified electors of the municipality, petition for a commission to issue under the Great Seal, to inquire into the financial affairs of the corporation, and things connected therewith, and if sufficient cause is shewn, the Lieutenant-Governor in Council may issue a commission accordingly, and the commissioner or the commissioners, or such one or more of them as the commission empowers to act, shall have the same power as any Court has in civil cases to summon witnesses, enforce their attendance, and compel them to produce documents and to give evidence.

When a commission of inquiry may issue.

(2) The expenses to be allowed for executing the commission shall be determined and certified by the Treasurer of Ontario, and shall thenceforth become a debt due by the corporation to the commissioner or commissioners, and shall be payable within three months after demand therefor, made by the commissioner or by any one of the commissioners, at the office of the treasurer of the corporation. R.S.O., 1897, c. 223, s. 428.

Expenses of such commissions.

## TITLE IV.—DEBENTURES.

*Debentures and coupons, how to be executed. Sec. 429.*

*Debentures negotiated at a discount, or bearing more than 6 per cent. interest. ss. 214-217.*

*Railway and bonus debentures. Sec. 430.*

*Debentures under promulgated by-law. Sec. 431.*

*Debentures under registered by-law. Sec. 399.*

*Debentures issued before 1st Feb., 1883, etc. Sec. 432.*

*Local improvement debentures—consolidation thereof. Sec. 433.*

*Transfer of debentures. Sec. 434.*

*Councils borrowing for current expenses. Sec. 435.*

*No debentures, etc., to issue for less than \$100. Sec. 436.*

**429.**—(1) All debentures and other instruments duly authorized to be issued on behalf of a municipal corporation shall, unless otherwise specially authorized or provided, be sealed with the seal, of the corporation, and signed by the head

Debentures, bonds, etc., how to be executed.

head thereof, or by some other person authorized by by-law to sign the same, otherwise the same shall not be valid; and it shall be the duty of the treasurer of the municipality to see that the money collected under the by-law is properly applied to the payment of the interest and principal of the debentures.

Execution of  
debenture  
coupons.

(2) The coupons attached to every such debenture issued by any municipal corporation other than a city shall each be signed by the head of the municipality and the treasurer of the corporation.

Full amount  
of debentures  
sold at a dis-  
count recover-  
able.

(3) Subject to any Act of the Parliament of Canada which may be passed respecting the lawful rate of interest, any debentures issued under the formalities required by law, by any municipal or provisional municipal corporation, payable to bearer, or to any person named therein or bearer, shall be valid and recoverable to the full amount, notwithstanding their negotiation by such corporation at a rate less than par, or at a rate of interest greater than six per centum per annum, or although a rate of interest greater than six per centum per annum is reserved thereby or made payable thereon. R.S.O., 1897, c. 223, s. 429.

In certain  
cases, debentures valid  
without corpo-  
rate seal, etc.

**430.** Debentures issued in aid of any railway, or for any bonus, signed or indorsed and countersigned as directed by the by-law, shall be valid and binding on the corporation without the corporate seal thereto, or the observance of any other form with regard to the debenture than such as may be directed by the by-law. R.S.O., 1897, c. 223, s. 430.

Debentures  
valid notwith-  
standing defect  
in form.

**431.** Debentures issued under the authority of any by-law promulgated under this Act or any former Municipal Act, shall be valid and binding upon the corporation, notwithstanding any insufficiency in form or otherwise of such by-law, or in the authority of the corporation in respect thereof; provided that the by-law has received the assent of the electors (where necessary), and that no successful application has been made to quash the same within the time limited in the notice of promulgation. R.S.O., 1897, c. 223, s. 431.

Proviso.

*[As to validity of Debentures under by-laws duly registered. See Sec. 399.]*

Debentures  
on which pay-  
ment has been  
made for one  
year, to be  
valid.

**432.** Where in the case of any by-law heretofore or hereafter passed by a municipal council the interest for one year or more on the debentures issued under such by-law and the principal of the matured debentures (if any) has or shall have been paid by the municipality, the by-law and the debentures issued thereunder remaining unpaid shall be valid and binding upon the corporation and shall not be quashed or set-aside on any ground whatever. 3 Edw. VII. c. 18, s. 93.

Local  
improvement  
debentures.

**433.**—(1) Every debenture issued under section 664 of this Act, or under the provisions of any other Act relating to the issue



issue of debentures for local improvement purposes, shall bear on its face the words "*Local Improvement Debenture*," and shall contain a reference by date and number to the by-law under which it is issued.

(2) In order to obviate a difficulty which has been found to prevail in negotiating local improvement debentures, in consequence of many of the same having to be issued for small and broken amounts, councils may, from time to time, after the passing of the several by-laws covering the several amounts required for particular local improvements, as therein specified, and without in any way affecting the liens on the lands therein named and to be improved thereby, pass a collective or cumulative by-law consolidating the said several amounts, and may issue the required debentures in a general consecutive issue under such consolidated by-law, apportioning, nevertheless, the amount raised thereby, and crediting each service with the amount previously estimated and named for the same under the individual by-law passed in the first instance.

Consolidation thereof.

(3) Councils desiring to avail themselves of the provisions of the preceding subsection shall insert, in each such by-law, a clause intimating that the amount of the debentures to be issued thereunder is subject to consolidation; and in such case it shall be sufficient to state in the said individual by-law that debentures to be issued thereunder shall be issued at so many years from the date of issue of the same, without defining a specific date;

Clause to be inserted in by-law as to consolidation.

(4) No consolidated debenture shall be issued, covering any debentures which have been issued or sold under any original by-law. R.S.O., 1897, c. 223, s. 433.

When consolidated debenture not to be issued.

(5) Instead of passing individual by-laws as hereinbefore provided, any municipal council may pass one by-law for several local improvement works giving the same information concerning each of such works as would be given in the several individual by-laws, and the passing of one by-law covering several distinct works shall not in any way invalidate the said by-law. 1 Edw. VII. c. 26, s. 16; 3 Edw. VII. c. 18, s. 94.

Passing one by-law for several local improvements.

**434.**—(1) Debentures issued by any municipal council may contain a provision in the following words:

Mode of transfer may be prescribed.

"This debenture, or any interest therein, shall not, after a certificate of ownership has been indorsed thereon by the treasurer of this municipal corporation, be transferable, except by entry by the treasurer or his deputy in the Debenture Registry Book of the said Corporation at the town (or village) of \_\_\_\_\_, or to the like effect.

(2) The treasurer of every municipality issuing any debentures containing the provision in the last subsection mentioned, shall open and keep a Debenture Registry Book, in which he shall enter a copy of all certificates of ownership of debentures, which he may give, and also every subsequent transfer of

Debenture registry book.

of such debenture; such entry shall not be made except upon the written authority of the person last entered in such book as the owner of such debenture, or of his executors or administrators, or of his or their lawful attorney, which authority shall be retained and duly filed by the treasurer.

Registered  
debentures  
transferred by  
entry, etc.

(3) After the certificate of ownership has been indorsed as aforesaid, the debenture shall only be transferable by entry, by the treasurer of the municipality or his deputy, in such Debenture Registry Book, from time to time, as transfers of such debenture are authorized by the then owner thereof, or his lawful attorney. R. S. O. 1897, c. 223, s. 434.

Borrowing  
sums for  
current  
expenditure.

**435.**—(1) The council of any municipality may by by-law authorize the head, or acting head, with the treasurer thereof, to borrow either before or after the passing of the by-law levying the taxes for the current year, from any person or bank such sums as the council deem necessary to meet the then current expenditure of the corporation, until such time as the taxes levied or to be levied therefor can be collected, and the council shall by such by-law regulate the amounts to be so borrowed, and define the notes, cheques, covenants or agreements or other vouchers to be given in security therefor. R. S. O. 1897, c. 223, s. 435 (1); 63 V. c. 33, s. 17.

Limit of  
amount to be  
borrowed for  
current expen-  
diture.

(2) The amount so borrowed and outstanding shall not, in the case of any municipality other than a county, exceed eighty per cent. of the amount collected as taxes, to pay the ordinary current expenditure of the municipality in the preceding municipal year, and in the case of a county, the amount so borrowed and outstanding shall not at any time exceed the amount to be raised and paid over to the county by the local municipalities therein for ordinary expenditure for county purposes for the current municipal year, and in the event of any council authorizing the borrowing of any larger sum than the amount limited by this sub-section, the members of the council who vote therefor shall be disqualified from holding any municipal office for the period of two years. 61 V. c. 26, s. 16 (1).

Limit in case  
of certain  
local municipi-  
ties.

(2a.) In the case of a town, township or village, any portion of which is situate within two miles of a city containing more than 100,000 inhabitants, the amount so borrowed and outstanding shall not exceed eighty per cent. of the taxes levied in the preceding municipal year. 62 V. (2), c. 26, s. 45.

Powers con-  
ferred by  
section only to  
be used for  
ordinary ex-  
penditure.

(3) The powers by this section conferred shall not be exercised except for the purpose of meeting the ordinary expenditure of the municipality; and the person or bank lending any sum to a municipal corporation under this section shall not be bound to establish the necessity of borrowing the same. R. S. O. 1897, c. 223, s. 435 (3).

Disqualifica-  
tion of coun-  
cillors for

(3a.) The disqualification mentioned in subsection (2) of this section shall not apply to the case of any member or members of

of any municipal council elected for the year 1899, who had not been unseated or who had not resigned on or before the 1st day of April, 1899; and the judgment of any court imposing such disqualification on any member or members of any municipal council who may have been unseated on or before the said date shall not be deemed to have disqualified and shall not disqualify him or them from holding any municipal office other than that of municipal councillor nor from holding the office of municipal councillor since the expiration of the year 1899. 62 V. (2), c. 26, s. 26.

(4) The council of any municipality shall have similar borrowing powers, with regard to moneys required by the trustees of any public school within such municipality or by the trustees of a high school district of which such municipality is partly or wholly composed; provided such sums of money do not exceed the estimates submitted by such public or high school trustees as required by *The Public Schools Act* and *The High Schools Act*. R. S. O. 1897, c. 223, s. 435 (4).

Borrowing money for school purposes.

Rev. Stat. cc. 292, 293.

**436.** Unless specially authorized so to do, and save as hereinafter provided, no council shall make or give any bond, bill, note, debenture or other undertaking, for the payment of a less amount than \$100; and any bond, bill, note, debenture or other undertaking issued in contravention of this section shall be void. Provided that any debenture heretofore or hereafter issued under the authority of any by-law passed under or pursuant to the provisions of sections 384 and 386 of this Act providing for payment of principal and interest together yearly, so computed and apportioned, that the sum of both principal and interest payable under the by-law shall be an even annual sum of not less than \$100 whether such debenture is issued with or without separate interest coupons attached thereto shall be deemed to be a debenture of not less than \$100 within the meaning of this section, and all debentures heretofore or hereafter so issued under such a by-law and otherwise legal are hereby declared valid. 63 V. c. 33, s. 18.

Debentures, etc., not to be for less sums than \$100.

Proviso as to debentures issued for sums which include principal and interest



## TITLE V.—ARBITRATIONS.

DIV. I.—LANDS TAKEN OR INJURIOUSLY AFFECTED.

DIV. II.—APPOINTMENT OF ARBITRATORS.

DIV. III.—PROCEDURE.

## DIVISION I.—LANDS TAKEN OR INJURIOUSLY AFFECTED.

*Owners, etc., of lands taken, etc., to be compensated. Sec. 437.**Limitation as to claims. Sec. 438.**Cities and towns may file plans of proposed works and give notice. Sec. 439.**Procedure thereon. secs. 440-443.**Corporations, tenants in tail or for life, trustees, etc., Powers of. Sec. 444.**Purchase money to stand instead of lands taken, etc. Sec. 445.**Procedure where incumbrances. Sec. 446.**Tender of Compensation—Costs. Sec. 447.**Compensation for Lands Taken or Injured.*

Owners of  
lands taken,  
etc., by cor-  
poration, etc.,  
to be com-  
pensated.  
Differences to  
be determined  
by arbitration.

**437.** Every council shall make to the owners or occupiers of, or other persons interested in, real property entered upon, taken or used by the corporation in the exercise of any of its powers, or injuriously affected by the exercise of its powers due compensation for any damages, (including cost of fencing when required) necessarily resulting from the exercise of such powers, beyond any advantage which the claimant may derive from the contemplated work; and any claim for such compensation, if not mutually agreed upon, shall be determined by arbitration under this Act. R. S. O. 1897, c. 223, s. 437.

Limitation of  
claims for  
damage to  
lands.

**438.** Every such claim, except in the cases of infants, lunatics and persons of unsound mind, shall be made within one year from the date when the real property was so entered upon, taken or used, or when the alleged damages were sustained or became known to the claimant, or in cases of a continuance of damage, then within one year from the time when the cause of action arose or became known to the claimant. Any claim now existing of the nature aforesaid may be made within one year from the passing of this Act but not afterwards, except in the cases of infants, lunatics or persons of unsound mind. 62 V. (2), c. 26, s. 27.

**439.**—(1) Wherever the council of a city or town is desirous of entering upon any public work or undertaking, in the pursuance of which any real property may be entered upon, taken or used by the corporation in the exercise of any of its powers, or may be injuriously affected by the exercise of its powers, the council may file plans and specifications of the work or undertaking, or certified copies thereof, with the clerk of the municipality, who shall, on receiving the same, issue a notice setting out the council's intention to proceed with such work or undertaking, and to enter upon, take or use the lands necessary therefor, and that such plans and specifications have been filed with him and may be inspected at his office, and that all claims for damages by reason of the said proposed work or undertaking must be filed with him within sixty days from the service of such notice, and that such owners, occupiers or other persons must file with the said clerk, within the said period of sixty days, their claim for damages for any of the causes aforesaid, showing the amount thereof, or that in default thereof any claim for such damages will be barred; and he shall cause such notice to be served upon the owners and occupiers of or other persons interested in the said real property to be so taken, entered upon or used as aforesaid, or which may be injuriously affected as aforesaid.

Taking, etc.,  
lands for  
public works.  
Filing plans  
and specifica-  
tions and  
giving notice.

(2) In case the person served as aforesaid is, at the time of such service, resident outside the Province of Ontario, a further period of thirty days shall be allowed such person to file his claim. R. S. O. 1897, c. 223, s. 439.

Further  
period allowed  
non resident  
for filing  
claim.

**440.** All such claims shall be made pursuant to the said notice, and unless made, in the case of persons resident within the Province, within sixty days after the service of such notice, or in the case of persons resident outside of the Province, within the said further period of thirty days, shall be barred and extinguished unless upon application to the Judge of the County Court of the county in which such city or town is situated, and upon giving to the said council at least seven days notice of such application, such Judge allows the claim to be made and served. Either party may appeal from the decision of the Judge to a Divisional Court of the High Court of Justice; but every such claim shall be absolutely barred and extinguished unless made within a period of one year from the service of the said notice. R. S. O., 1897, c. 223, s. 440.

Time within  
which claim  
is to be made.

**441.** If any such claim is so filed within the time aforesaid, the same, unless accepted by the council, shall forthwith be determined by arbitration under this Act. R.S.O., 1897, c. 223, s. 441.

Determining  
claims by  
arbitration.

**442.** The person making a claim shall deliver full particulars of the damages for which such claim is made, and the arbitrator

Particulars to  
be delivered.

arbitrator or arbitrators, upon the hearing of the claim, shall have the same power as to amendment generally, or to amend such claim or particulars or any proceeding had or taken upon the hearing thereof, as a Judge would have in an action; and the arbitrator or arbitrators may, in his or their discretion, refuse at any time to hear, upon any matter or question, further evidence of a cumulative character. R.S.O., 1897, c. 223, s. 442.

Claims not  
barred where  
plans  
insufficient.

**443.** Nothing in sections 439 to 442 contained shall bar or extinguish any claim when the plans and specifications filed do not reasonably and sufficiently disclose the damage that may be sustained. R.S.O., 1897, c. 223, s. 443.

How title ac-  
quired to land  
when owned  
by corpora-  
tions, tenants  
in tail, vested  
in trustees, etc.

**444.**—(1) In the case of real property which a council has authority under this Act to enter upon, take or use, without the owner's consent, corporations, tenants in tail or for life, guardians, committees, and trustees, shall, on behalf of themselves, their successors and heirs respectively, and on behalf of those whom they represent, (whether infants, issue unborn, lunatics, idiots, married women or others), have power to act, as well in reference to any arbitration, notice and action under this Act, as in contracting for and conveying to the council any such real property, or in agreeing as to the amount of damages arising from the exercise by the council of any power in respect thereof.

If there be no  
party who can  
convey, etc.

(2) In case there is no such person who can so act in respect to such real property, or in case any person interested in respect to any such real property is absent from this Province, or is unknown, or in case his residence is unknown, or he himself cannot be found, the Judge of the County Court for the county in which such property is situate may, on the application of the council, appoint a person to act in respect to the same for all or any of the said purposes.

Application,  
etc., of pur-  
chase money  
where party  
has not an  
absolute estate  
in the pro-  
perty.

(3) In case any person acting as aforesaid has not the absolute estate in the property, the council shall pay to him the interest only at six per centum per annum on the amount to be paid in respect of such property, and shall retain the principal to be paid to the person entitled to it whenever he claims the same and executes a valid acquittance therefor, unless the High Court of Justice, or a Judge thereof, in the meantime directs the council to pay the same to any person or into Court; and the council shall not be bound to see to the application of any interest so paid, or of any sum paid under the direction of such Court. R.S.O., 1897, c. 223, s. 444

Compensation  
to stand in the  
stead of lands.

**445.** The compensation or damages which may be agreed upon or awarded for any land taken or injuriously affected by any municipal corporation in the exercise of its corporate powers shall stand in the stead of such lands and shall be subject to the limitations and charges (if any) to which the said lands were subject; and any claim to or incumbrance



brance upon the said lands, or to or upon any portion thereof shall, as against the said corporation, be converted into a claim to the money so paid, or to a like proportion thereof. R.S.O., 1897, c. 223, s. 445.

**446.**—(1) If in the opinion of the High Court of Justice or of any Judge thereof, there is reason to fear any claims or incumbrances, or if any person to whom the compensation or damage or any part thereof is payable, refuses to execute the proper conveyance or guarantee, or cannot be found, or is unknown to the corporation, the corporation may pay such compensation into the office of the Accountant of the Supreme Court of Judicature for Ontario with interest thereon at 6 per cent. per annum for six months, and may deliver to such Accountant an authentic copy of the conveyance or of the award or agreement, as the case may be; and such award or agreement or conveyance shall thereafter be deemed to be the title of the corporation to the land therein mentioned.

(2) A notice in such form and for such time as any Judge of the High Court of Justice may direct, shall be inserted in a newspaper, if there is one published in the municipality in which the lands are situated, or if there is no newspaper published in the municipality, then in *The Ontario Gazette*, and also in a newspaper published in the nearest municipality thereto in which any newspaper is published. Such notice shall state that the title of the corporation, under such agreement, award or conveyance, is under this Act, and shall call upon all persons entitled to the lands or to any part thereof so taken or injuriously affected, to file their claims to the said compensation money or any part thereof; and all such claims shall be received and adjudicated upon by the High Court of Justice or by any Judge thereof.

(3) The costs of the proceedings, including proper allowances to witnesses, shall be paid by the corporation or by such other person as the said Court or any Judge thereof may order; and if the said order of distribution is obtained in less than three months from the payment into Court of the said compensation moneys, the Court or any Judge thereof may direct any proportionate part of such interest to be returned to the said corporation.

(4) The judgment in such proceedings shall forever bar all claims to the lands or any part thereof, including dower, as well as any mortgage or incumbrance upon the same, and the Court or Judge shall make such order for distribution, payment or investment of the said compensation money, and for securing the rights of all persons interested therein as may be necessary. R.S.O., 1897, c. 223, s. 446.

**447.** The council of any municipality in all cases where claims for compensation or damages are made against them

Compensation may be paid into Court.

Notice to be given.

Costs.

Judgment shall bar all claims.

Tender of compensation.  
which

Costs.

which, under the provisions of this or any other Act, are declared to be the subject of arbitration in the event of the parties not being able to agree, may tender to any person making such claim, such amount as they consider proper compensation for the damage sustained or lands taken; and in the event of the non-acceptance by the claimant of the amount so tendered, and of the arbitration being proceeded with, if an award is obtained for an amount not greater than the amount so tendered, the costs of the arbitration and award shall, unless otherwise directed by the arbitrator, be awarded to the corporation and set off against any amount awarded against them. R.S.O., 1897, c. 223, s. 447.

## DIVISION II.—APPOINTMENT OF ARBITRATORS.

*Claims under \$1,000 for lands entered upon, etc., in cities or towns. Sec. 448.*

*Procedure. Secs. 449, 450.*

*Respecting real property taken or injuriously affected by a by-law. Secs. 451-454.*

*Appointment of an arbitrator no admission of liability. Sec. 455.*

*Persons disqualified from acting as arbitrators. Sec. 457.*

Rev. Stat.  
c. 227.

Compensation  
when lands  
taken or  
injured by  
city or town.

**448.**—(1) Save as provided by *The Municipal Arbitrations Act*, in every case where a claim is made for compensation for damages by the owner or occupier of, or other person interested in, lands entered upon, taken or used by the corporation of any city or town, or alleged to have been injuriously affected by such corporation in the exercise of any of its powers, in the event of the corporation not being able to agree with the claimant as to the amount of compensation to be made, and if the amount claimed does not exceed \$1,000, the same shall be settled and determined by the award of the Judge of the County Court of the county within which the city or town is situate, (sitting as sole arbitrator), or (at the option of either party) by such other sole arbitrator as the said Judge on application made to him by either party, upon notice to the other party, may appoint.

Notice of in-  
tention to  
arbitrate.

2) Either party shall be entitled to at least seven days' notice, exclusive of the day of the service of the notice, of the wish of the other party to have an arbitration, and seven days' notice, exclusive of the seven days above mentioned and of the day of the service of the notice, shall be given of any application to the Judge to appoint any sole arbitrator as aforesaid.

Arbitrator's  
fees.  
Rev. Stat.  
c. 62.

(3) The fees to be paid to the arbitrator shall be the same as those payable to referees under the provisions of *The Act respecting Arbitration and References*.

(4) Save as herein otherwise provided, the provisions of this Act as to arbitrators and procedure in arbitrations shall, so far as applicable, apply to and govern all arbitrations had and awards made by a sole arbitrator under the provisions of this Act. R.S.O., 1897, c. 223, s. 448.

**449.** Save as herein or in *The Municipal Arbitrations Act* otherwise provided, the appointment of all arbitrators shall be in writing under the hands of the appointors, or, in case of a corporation, under the corporate seal, and authenticated in like manner as a by-law; and the arbitrators on behalf of a municipal corporation shall be appointed by the council thereof, or by the head thereof, if authorized by a by-law of the council. R.S.O., 1897, c. 223, s. 449.

**450.**—(1) Save as herein or in *The Municipal Arbitrations Act* otherwise provided, in every case where arbitration is directed or authorized by this Act, either party may appoint an arbitrator, and give notice thereof in writing to the other party, calling upon such party to appoint an arbitrator. A notice to a corporation shall be given to the head of the corporation.

Either party may appoint an arbitrator and give notice to opposite party. Subject to Rev. Stat. c. 227.

(2) The two arbitrators appointed by or for the parties shall within seven days from the appointment of the lastly appointed of them, appoint in writing, a third arbitrator.

Third arbitrator to be appointed.

(3) In case of an arbitration between municipal corporations, if for twenty-one days after having received such notice, the party notified omits to appoint an arbitrator; or if, for seven days after the second arbitrator has been appointed, the two arbitrators omit to appoint a third arbitrator, then, in case the arbitration is between townships or between a township and a town or village, the Judge of the County Court of the county within which the townships, town or village are or any of them is situate, may, (or in case the arbitration is between other municipalities, the Lieutenant-Governor in Council may) appoint an arbitrator for the party in default, or a third arbitrator as the case may require.

Provision in case of neglect to appoint.

(4) In cases where more than two municipalities are interested, each of them shall appoint an arbitrator, and in such case, if there is an equality of arbitrators, the arbitrators so appointed shall appoint another arbitrator, or in default at the expiration of twenty-one days after the last of such arbitrators has been so appointed, the Lieutenant-Governor in Council may, on the application of any one of the municipalities interested, appoint the other arbitrator. R.S.O., 1897, c. 223, s. 450.

When more than two municipalities interested.

**451.**—(1) Save as aforesaid, where real property is, pursuant to a by-law of a municipal council, entered upon, taken or used by the municipal corporation in the exercise of any of its powers, or is injuriously affected thereby, any owner or occupier of, or person interested in such property may, after

Where real property taken, etc. Owner, etc., may appoint arbitrator and serve notice.



the passing of the by-law, appoint an arbitrator to determine the compensation to which he is entitled and give to the head of the council due notice of such appointment.

Appointment of arbitrator for municipality.

(2) Within seven days after a notice has been served under the preceding subsection, the head of the council (if authorized by by-law) shall appoint a second arbitrator, and give notice thereof to the person who has served the notice under the said subsection. R.S.O., 1897, c. 223, s. 451.

In case several persons interested in property taken, etc.

**452.** In case there are several persons interested, but having distinct interests in the property (whether such persons are all interested in the same piece of property, or some or one in one part thereof and some or one in another part thereof), the municipal council may by the by-law or by any subsequent by-law provide that the claims of all such persons shall be disposed of by one award. R.S.O., 1897, c. 223, s. 452.

When council may take the initiative.

**453.**—(1) In case a notice has not been served under subsection 1 of section 451, the municipal council may serve upon the owner, occupier or person interested in the property, a copy of the by-law (certified under the hand of the clerk of the council to be a true copy) together with a notice in writing of the appointment of an arbitrator on behalf of the municipal council.

Appointment of arbitrator by owner, etc., of property.

(2) Such owner, occupier or person interested shall within 7 days after such service—or in the case provided for by section 452 the persons having distinct interests as therein mentioned, shall agree upon and shall within 21 days from such service—appoint an arbitrator on his or their behalf, as the case may be, and give notice thereof to the municipal council. R. S. O., 1897, c. 223, s. 453.

County Court Judge to appoint arbitrator in certain cases.

**454.** If such owner, occupier or person so interested, or the head of such council, whether from want of authority in that behalf, or otherwise, omits to name an arbitrator within seven days after receiving notice to do so, or if the persons having distinct interests as aforesaid omit to name an arbitrator within twenty-one days after receiving notice to do so, or if the two arbitrators do not within seven days from the appointment of the lastly named of the two arbitrators agree on a third arbitrator, or if any of the arbitrators refuse or neglect to act, the Judge of the County Court of the county in which the property is situated, on the application of either party, on notice to the opposite party, shall appoint as an arbitrator a fit person, resident without the limits of the municipality in which the property in question is situated, to act for the party failing to appoint, or as such third arbitrator, or in the stead of the arbitrator refusing or neglecting to act, and such arbitrators shall forthwith proceed to hear and determine the matters referred to them. R.S.O., 1897, c. 223, s. 454; 3 Edw. VII, c. 18, s. 95 (1).

**455.** The appointment of an arbitrator shall not be deemed to be an admission of any liability on the part of the corporation, and all defences and objections shall be open to either party as if an action had been brought. R.S.O., 1897, c. 223, s. 455. Appointment of arbitrators not to be deemed an admission of liability.  
*[Rev. Stat. c. 223, s. 456, repealed by 3 Edw. VII c. 18, s. 95 (2).]*

**457.** No member, officer or person in the employment of any corporation which is concerned or interested in any arbitration, nor any person so interested, shall be appointed or act as an arbitrator in any case of arbitration under this Act; but nothing in this section contained shall prevent the appointment of or disqualify as an arbitrator any person by reason merely that such person is a ratepayer of or within any municipality concerned or interested in the arbitration. R. S. O., 1897, c. 223, s. 457; 3 Edw. VII, c. 18, s. 96. Persons disqualified from acting as arbitrators.

### DIVISION III.—PROCEDURE.

*Oath of arbitrator. Sec. 458.*

*Time of meeting. Sec. 459.*

*Filing of award. Sec. 459.*

*Costs. Sec. 460.*

*Majority to decide. Sec. 461.*

*Arbitrators to file evidence and certificate as to time occupied. Sec. 462 (1-2).*

*Arbitrators fees.—Taxation thereof. Sec. 462 (3).*

*Award, when adoption by by-law necessary. Sec. 463 (1).*

*Power of Courts to review after adoption. Sec. 463 (2).*

*Award, how made and jurisdiction of Courts. Sec. 464.*

*Appeals and motions against awards. Sec. 465.*

*Enforcing award. Sec. 466.*

*The Arbitration Act to apply. Sec. 467.*

**458.** Every arbitrator, before proceeding to try the matter of the arbitration, shall take and subscribe the following oath (or in case of those who by law affirm shall make and subscribe the following affirmation) before any Justice of the Peace: Arbitrators to be sworn.

“I (A.B.) do swear (or affirm) that I will well and truly try the matters referred to me by the parties, and a true and impartial award make in the premises, according to the evidence and my skill and knowledge. So help me God.” R.S.O., 1897, c. 223, s. 458. Form of oath or affirmation.

**459.** The arbitrators shall, within twenty days after the appointment of the third arbitrator, meet at such place as they may agree upon, to hear and determine the matter in dispute, with power to adjourn from time to time, and shall make their award in writing, which shall be binding on all parties; and one copy thereof shall be filed with the clerk of each of the municipalities interested. R.S.O., 1897, c. 223, s. 459. Time of meeting, etc.

**460.**

Costs.

**460.** The arbitrators shall have power to award the payment by any of the parties to the other of the costs of the arbitration, or of any portion thereof, and may either direct the payment of a fixed sum, or that the costs should be taxed on either the scale of the High Court, or of the County Court, in which case the costs shall be taxed by the officer of the proper Court in the county without any further order, and the amount shall be payable within one week after taxation. Such costs when taxed by an officer of a County Court or by a local taxing officer of the High Court, shall be subject to revision by one of the taxing officers at Toronto upon one week's notice, and such revision shall be subject to appeal to a Judge of the High Court as in the case of appeals from a taxation of costs in an action. R.S.O., 1897, c. 223, s. 460.

Majority to decide.

**461.** In case of a difference between the arbitrators, the decision may be given by the majority of them. R. S. O., 1897, c. 223, s. 461.

Notes of the evidence added to be taken and filed in certain cases.

**462.**—(1) In case of an award under this Act, which does not require adoption by the council, or in case of an award to which a municipal corporation is a party, and which is to be made in pursuance of a submission containing an agreement that this section shall apply thereto, the arbitrator or arbitrators shall take, and immediately after making of the award shall file with the clerk of the council, for the inspection of all parties interested, full notes of the oral evidence given on the reference, and also all documentary evidence so given or a copy thereof; and in case they proceed partly on a view, or any knowledge or skill possessed by themselves or any of them, they shall also put in writing a statement thereof, sufficiently full to allow the Court to form a judgment of the weight which should be attached thereto.

Arbitrators acting on their own knowledge, etc., to put statement thereof in writing.

Arbitrators to file certificate shewing time occupied and fees charged.

(2) The arbitrator or arbitrators shall also at the same time file with the said clerk a certificate of each of the said arbitrators, showing the number of hours actually occupied by him or them in the said arbitration, and verifying in detail the number of hours so occupied at each sitting of the said arbitrator or arbitrators, with the date of each such sitting and the fees charged by the said arbitrators in respect of such sitting.

Payment of arbitrators' fees on taking up award.

(3) Either of the parties to the arbitration may pay into the office of the Clerk of the County Court of the county in which the land which is the subject matter of the arbitration is situated the fees of the arbitrators as demanded by them before delivery of their award, together with \$10 as security for costs, and the said clerk shall give a receipt for the same, and shall enter such payment in a book to be kept by him for the purpose, and shall be entitled to receive from the said party as a fee to his own use, when the sum paid in does not exceed \$50, a fee of fifty cents, and when the sum paid in exceeds.



exceeds \$50 a fee of \$1; and the said arbitrators, or any two of them, who may have made the award in such arbitration, upon the production of such receipt, shall forthwith deliver their said award to the party so paying in the said fees and the said \$10.

(4) The party so paying in the said sum may have the arbitrators' fees taxed by the clerk on the latter's appointment without any Judge's order, upon giving two days' notice of such appointment by service of a copy thereof upon the arbitrators or upon the person named by them to receive service thereof for them; and if the said fees are found upon the taxation to be authorized by *The Arbitration Act*, the said fees so paid into the office of the said clerk as aforesaid, shall, unless there is a revision of the taxation as hereinafter provided, be forthwith paid out to the said arbitrators by the said clerk; but in case of a revision of the taxation, such payment out shall be postponed until such revision has been finally disposed of, and shall be subject to the result of such revision.

Taxation of arbitrators' fees by clerk.  
Rev. Stat. c. 62.

(5) The said clerk upon taxation shall have regard to the charges made by each arbitrator and shall tax the fees of each arbitrator separately; and the costs of the taxation shall be in his discretion, and he may order the same to be paid either by the applicant or by the arbitrators or by any one or more of them; and he shall make such order in the premises as to him appears just.

How costs to be taxed.

(6) Either party to the taxation may, within two days after the completion of such taxation, upon giving four days' notice to the opposite party, require a revision of such taxation by one of the taxing officers of the High Court at Toronto, and may require the clerk to transmit all papers in the matter to such taxing officer; and upon payment of the necessary postage to the clerk, the latter shall forthwith transmit to such taxing officer such papers and his certificate of taxation or decision or a duplicate thereof.

Revision of clerk's taxation.

(7) Upon such revision, the taxing officer shall revise the said taxation and the order or decision of the said clerk as well as to costs as to all other matters. The costs of the appeal shall be in his discretion and he may order the same to be paid either by the applicant or by any one or more of the arbitrators as to him seems just. His order shall be final and conclusive upon all parties; and such order when necessary may be enforced by execution to be issued out of the County Court wherein the money was deposited.

Powers of taxing officer.

(8) The order of the clerk (or of the taxing officer upon a revision as aforesaid) may direct the \$10 so paid in as security as aforesaid, or so much as may be necessary, to be applied toward the payment of any costs payable by the applicant, and the remainder, if any, to be returned to him, and that any costs payable by any arbitrator shall be deducted from any fees payable to him and so paid into Court as aforesaid. In the

Payment of costs out of \$10 paid in as security.

the event of such moneys being insufficient in any case to pay such costs, the Clerk of the County Court may order that execution issue against the person ordered to pay any balance, and the same shall issue upon such order out of the County Court into which the fees were paid.

Either party may file affidavits.

(9) Upon such taxation either party may file affidavits, or upon the request of either party to the taxation the clerk may examine the parties and the said arbitrators and any other witnesses upon oath.

Scale of taxation of costs.

(10) When the amount of the fees paid in does not exceed \$100, the costs of taxation or appeal shall be upon the Division Court scale, and where the fees paid in exceed \$100, upon the County Court scale; but the clerk, or (upon revision) the taxing officer, may, in his discretion, fix a lump sum to be paid in lieu of taxation. R. S. O., 1897, c. 223, s. 462.

Lump sum in lieu of taxation.

Award to be binding in certain cases, must be adopted by by-law within a certain time.

**463.**—(1) In case the award relates to property to be entered upon, taken or used as mentioned in subsection 1 of section 451, and in case the by-law did not authorize or profess to authorize any entry or use to be made of the property before an award has been made, except for the purpose of survey, or in case the by-law did give or profess to give such authority, but the arbitrators find that such authority was not acted upon, the award shall not be binding on the corporation unless it is adopted by by-law, within three months after the making of the award; and if the same is not so adopted, the original by-law shall be deemed to be repealed, and the property shall stand as if no such by-law had been made, and the corporation shall pay the costs of the arbitration.

Power of courts to review awards adopted by councils, etc.

(2) An award not binding upon the council until adoption as mentioned in the last preceding subsection, shall, if adopted be subject to the jurisdiction of the Court, and to review on the merits, at the instance of the person whose property is affected or taken, in the same manner as is provided by the next following section of this Act in respect of any award not requiring adoption; and the provisions of sections 462 and 464 shall hereafter extend to every such award.

Time for moving against award

(3) The award may be moved against within one month (excluding vacations) next after the adoption thereof. R. S. O., 1897, c. 223, s. 463.

Award to be made by at least two arbitrators, and subject to jurisdiction of High Court. Rev. Stat. c. 62.

**464.** Every award made under this Act shall be in writing under the hands of all or a majority of the arbitrators, and shall be subject to the jurisdiction of the High Court of Justice, as if made on an ordinary submission in writing under *The Arbitration Act*; and in the cases provided for by subsection 1 of section 462, the Court shall consider not only the legality of the award but the merits as they appear from the proceedings so filed as aforesaid, and may call for additional evidence, to be taken in any manner the Court directs, and may, either without

Powers of the Courts in such matters.

without taking such evidence or after taking such evidence, set aside the award or remit the matters referred, or any of them, from time to time, to the consideration and determination of the same arbitrators, or to any other persons whom the Court may appoint, as prescribed in *The Arbitration Act*, and may fix the time within which such further or new award shall be made; or the Court may itself increase or diminish the amount awarded or otherwise modify the award, as the justice of the case may seem to require. R. S. O., 1897, c. 223, s. 464.

**465.** In case the award does not require adoption, but is subject to an appeal to the High Court, the appeal shall lie to the High Court and from the High Court to the Court of Appeal in the same manner, and subject to the same restrictions as in the case of a reference under an order of Court; and all applications (otherwise than by way of appeal) to set aside such award shall be made within six weeks (excluding vacations) after the publication of the award, but the High Court or a Judge thereof may under special circumstances allow the application to be made after the said time. R. S. O., 1897, c. 223, s. 465.

**466.** An award under this Act may, by leave of the High Court or a Judge thereof, be enforced in the same manner as a judgment or order to the same effect. R. S. O., 1897, c. 223, s. 466.

**467.** Sections 9 to 12, 15, 17 to 27 and 40 to 44, and section 48 of *The Arbitration Act* shall apply to arbitrators appointed under this Act and to arbitrations thereunder. R. S. O., 1897, c. 223, s. 467.

## TITLE VI.—ACTIONS BY AND AGAINST MUNICIPAL CORPORATIONS.

*Right of Municipal Corporations to enforce agreements with companies, etc.,* Sec. 467a.

*Acts done under illegal by-laws, etc.* Sec. 468.

*Tender of amends in actions therefor—Costs.* Sec. 469.

*Tender of amends in actions for negligence—Costs.* Sec. 470.

*Executions in action against municipal corporations.* Sec. 471 (1).

*Municipal officers to be deemed officers of the Court pro hac vice.* Sec. 471 (2).

**467a.** Where duties, obligations, or liabilities are or have been heretofore imposed by statute upon any person, company or

Rev. Stat. c. 62.

Appeals and motion against awards not requiring adoption.

Sections of Rev. Stat. c. 62 to apply.

Right of action of municipal corporation



poration to  
enforce agree-  
ments with  
companies,  
etc.

or corporation in favour of a municipal corporation, or the inhabitants, or a portion of the inhabitants thereof, or where contracts or agreements are or have heretofore been created, enacted or validated by statute which imposes such duties, obligations or liabilities, every such municipal corporation shall have the right by action to enforce such duties, obligations and liabilities either in favour of the corporation, or of the said inhabitants, and to obtain as complete and full relief, and to enforce the same remedies as could have been maintained, obtained and enforced therein by the Attorney-General had he been a party to the said action as plaintiff, or as plaintiff at the relation of any person or corporation interested. 63 V. c. 35, s. 1.

Municipality  
to be liable  
for acts done  
under illegal  
by-law.

**468.** In case a by-law, order or resolution is illegal, in whole or in part, and in case anything has been done under it which, by reason of such illegality, gives any person a right of action, no such action shall be brought until one month has elapsed after the by-law, order or resolution has been quashed or repealed, nor until one month's notice in writing of the intention to bring the action has been given to the corporation: and every such action shall be brought against the corporation alone, and not against any person acting under the by-law, order or resolution. R. S. O., 1897, c. 223, s. 468.

Notice of  
action.

Tender of  
amends.

**469.** In case the corporation tenders amends to the plaintiff or his solicitor, if such tender is pleaded and (if traversed) proved, and if no more than the amount tendered is recovered, the plaintiff shall have no costs, but costs shall be taxed to the defendant, and set off against the amount recovered; and the balance due to either party shall be recovered as in ordinary cases. R. S. O. 1897, c. 223, s. 469.

Costs.

Tender of com-  
pensation in  
actions for  
negligence.

**470.** The council of any municipality, upon any claim being made or action brought for damages for alleged negligence on the part of the municipality, may tender, or pay into Court (as the case may be) such amount as they may consider proper compensation for the damage sustained; and in the event of the non-acceptance by the claimant of such tender or of the amount paid into court, and of the action being proceeded with, and no greater amount being recovered than the amount so tendered or paid into court, the costs of suit shall be awarded to the defendants, and set off against any amount recovered against them. R. S. O., 1897, c. 223, s. 470.

Costs.

Proceedings on  
writs of execu-  
tion against  
municipal-  
ities.

**471.**—(1) Any writ of execution against a municipal corporation may be indorsed with a direction to the sheriff to levy the amount thereof by rate, and the proceedings thereon shall then be the following:—

Sheriff to de-  
liver copy of  
writ and state-

(a) The sheriff shall deliver a copy of the writ and indorsement to the treasurer of the municipality or leave such copy  
at

at the office or dwelling-house of that officer, with a statement in writing of the sheriff's fees, and of the amount required to satisfy the execution including in such amount the interest calculated to some day, as near as is convenient to the day of the service;

(b) In case the amount, with interest thereon from the day mentioned in the statement, is not paid to the sheriff within one month after the service, the sheriff shall examine the assessment rolls of the corporation, and shall, in like manner as rates are struck for general municipal purposes, strike a rate sufficient in the dollar to cover the amount due on the execution with such addition to the same as the sheriff deems sufficient to cover the interest, his own fees, and the collector's percentage, up to the time when the rate will probably be available;

(c) The sheriff shall thereupon issue a precept or precepts under his hand and seal of office, directed to the collector or respective collectors of the corporation, and shall annex to every precept the roll of such rate, and shall by the precept, after reciting the writ, and that the corporation has neglected to satisfy the same, and referring to the roll annexed to the precept, command the collector or collectors, within their respective jurisdictions, to levy such rate at the time and in the manner by law required in respect to the general annual rates;

(d) In case at the time for levying the annual rates next after the receipt of such precept, the collectors have a general rate roll delivered to them for such year, they shall add a column thereto, headed "*Execution rate in A. B. vs. The Township*" (or as the case may be, adding a similar column for each execution if more than one), and shall insert therein the amount by such precept required to be levied upon each person respectively, and shall levy the amount of such execution rate as aforesaid, and shall, within the time within which they are required to make the returns of the general annual rate, return to the sheriff the precept with the amount levied thereon, after deducting their percentage;

(e) The sheriff shall, after satisfying the execution and all fees thereon, pay any surplus, within ten days after receiving the same, to the treasurer of the municipality, for the general purposes of the corporation.

(2) The clerk, assessors and collectors of the corporation shall, for all purposes connected with carrying into effect, or permitting or assisting the sheriff to carry into effect, the provisions of this Act with respect to such executions, be deemed to be officers of the Court out of which the writ issued, and as such shall be amenable to the Court, and may be proceeded against by attachment, *mandamus* or otherwise, in order to compel them to perform the duties hereby imposed upon them.

R. S. O., 1897, c. 223, s. 471.

## TITLE VII.—WITNESSES.

*Ratepayers, Officers, etc., Competent Witnesses. Sec. 472.*

Ratepayers,  
members,  
officers, etc.,  
of corporation  
competent  
witnesses.

**472.** In any prosecution, action or proceeding in any civil matter to which a municipal corporation is a party, no ratepayer, member, officer or servant of the corporation shall, on account of his being such, be incompetent as a witness. R. S. O., 1897, c. 223, s. 472.

## TITLE VIII.—RESPECTING THE ADMINISTRATION OF JUSTICE.

DIV. I.—JUSTICES OF THE PEACE.

DIV. II.—POLICE OFFICE IN CITIES AND TOWNS.

DIV. III.—BOARD OF COMMISSIONERS OF POLICE AND POLICE FORCE IN CITIES AND TOWNS.

DIV. IV.—COURT HOUSES, GAOLS, REFORMATORIES AND PLACES OF CORRECTION OR IMPRISONMENT

DIV. V.—BOARD OF AUDIT—CRIMINAL JUSTICE, ETC.

## DIVISION I.—JUSTICES OF THE PEACE.

*Justices of the Peace—Who are ex officio. Sec. 473.*

*Qualification and oath of ex officio Justices. Sec. 475.*

*Jurisdiction of Justices in cases under by-laws. Secs. 476-478.*

Certain persons to be *ex officio* Justices of the Peace.

**473.** The head of every council, all members of a county council, and the reeve of every town, township and village, shall, *ex officio*, be Justices of the Peace for the whole county, or union of counties, in which their respective municipalities lie; and aldermen in cities shall be Justices of the Peace for such cities. R. S. O., 1897, c. 223, s. 473.

[*Rev. Stat. c. 223, s. 474, repealed by 3 Edw. VII., c. 18, s. 97.*]

Qualification of certain officials.

**475.** No warden, mayor, reeve or alderman, or member of a county council after taking the oaths or making the declarations as such, shall be required to have any property qualification, or to take any further oath to enable him to act as a Justice of the Peace. R. S. O., 1897, c. 223, s. 475; 3 Edw. VII., c. 18, s. 98.



**476.** Every Justice of the Peace for a county shall have jurisdiction in all cases arising under any by-law of any municipality in the county for which there is no Police Magistrate. Jurisdiction of justices under by-laws.  
R. S. O., 1897, c. 223, s. 476.

**477.** A Justice of the Peace shall not, by reason of his being a member of a municipal council, be disqualified to act as a Justice in the case of a prosecution for an offence committed against a by-law of such council. Justices not disqualified by being members of council.  
R. S. O., 1897, c. 223, s. 477.

**478.** A Justice of the Peace shall not be disqualified to act as a Justice where in case of a conviction the fine or penalty or part thereof goes to a municipality in which he is a ratepayer. Nor by reason of penalty being payable to municipality.  
R. S. O., 1897, c. 223, s. 478.

## DIVISION II.—POLICE OFFICE IN CITIES AND TOWNS.

(See also R.S.O., Chapter 87.)

*Who to preside thereat.* Sec. 479.

*Who to be the clerk thereof.* Sec. 480.

**479.**—(1) The council of every town and city shall establish therein a police office; and the Police Magistrate, or, in his absence, or where there is no Police Magistrate, the mayor of the town or city, shall attend at such police office daily or at such times and for such period as may be necessary for the disposal of the business brought before him as a Justice of the Peace; but any Justice of the Peace having jurisdiction in a town or city may, at the request of the mayor thereof, act in his stead at the police office. Police offices in cities and towns.

(2) The council shall from time to time provide all necessary and proper accommodation, fuel, light, stationery and furniture for the police office, and for all officers connected therewith. Accommodation, etc., for police office.  
R. S. O., 1897, c. 223, s. 479.

**480.** The clerk of the council of every city or town, or such other person as the council of the city or town appoints for that purpose, shall be the clerk of the police office thereof, and shall perform the same duties and receive the same emoluments as clerks of Justices of the Peace; and in case the said clerk is paid by a fixed salary, the emoluments shall be paid by him to the municipality and form part of its funds: and such clerk shall be the officer of and under the Police Magistrate. Clerk of police office, and his duties.  
R. S. O., 1897, c. 223, s. 480. If paid by salary, fees to be paid over to municipality.

DIVISION III.—BOARDS OF COMMISSIONERS OF POLICE AND  
POLICE FORCE IN CITIES AND TOWNS.

*Board, Members of—remuneration.* Sec. 481.

*Powers as to witnesses.* Sec. 482 (1, 2).

*Chairman.* Sec. 483 (1).

*Quorum.* Sec. 483 (2).

*Meetings of Board in cities to be public* Sec. 483 (3).

*Powers as to second-hand and junk shops, livery stables, cabs, bands of music, etc.* Sec. 484.

*By-laws of, how authenticated and proved.* Sec. 485.

*Penalties, how recoverable.* Sec. 486.

*High Bailiffs.* Sec. 487.

*Police Force, appointment of.* Secs. 488, 489.

*Police regulations.* Sec. 490.

*Duties and powers of constables.* Sec. 491.

*Remuneration and expenses of police force.* Sec. 492 (1).

*Indemnification of, in certain cases.* Sec. 492 (2).

*Constables in towns where no police commissioners.* Sec. 493.

*Constables in villages.* Sec. 493.

*Dissolution of boards in towns.* Sec. 494.

*Constables in counties and townships.* Sec. 495.

*Fees of salaried constables.* Sec. 496.

*Arrests without warrant.* Sec. 497.

*Suspension from office.* Secs. 498, 499.

BOARD OF COMMISSIONERS OF POLICE.

Board of commissioners of police in cities and towns, of whom composed.

**481.**—(1) Notwithstanding anything in any special Act contained in every city there is hereby constituted a Board of Commissioners of Police, and in every town having a Police Magistrate the council may constitute a like board. Such board shall consist of the mayor, the Judge of the County Court of the county in which the city or town is situate, and the Police Magistrate. In case of the absence from the Province of the Police Magistrate the Deputy Police Magistrate, if any, shall be a member of the Board for the time being. In case the office of County Judge or that of Police Magistrate is vacant, the council of the city shall, and the council of the town may, appoint a person resident therein to be a member of the board, or two persons so resident to be members thereof, as the case may require, during such vacancy; but the council of such town may at any time, by by-law, dissolve and put an end to the board, and thereafter the council shall have and exercise all powers and duties previously had or exercised by the board. R. S. O., 1897, c. 223, s. 481 (1); 62 V. (2) c. 26, s. 28; 63 V. c. 33, s. 19.

Person acting as mayor to act as police commissioner.

(2) In case of the illness or absence of the mayor, or of the office of mayor being vacant, the person appointed by the council under section 272 as their presiding officer shall also have authority during the time he acts as such presiding officer to act

act as a police commissioner in the place of the mayor. R. S. O., 1897, c. 223, s. 481 (2).

(3) The council of any city may by by-law provide for the payment of a reasonable remuneration to the Judge of the County Court for his services as a member of the Board of Commissioners of Police, or for the payment of such remuneration to any one appointed to be a member of the Board while the office of County Judge or Police Magistrate is vacant. 1 Edw. VII, c. 26, s. 17.

Remuneration  
of police com-  
missioners.

**482.**—(1) The commissioners shall have power to summon and examine witnesses on oath on all matters connected with the administration of their duties, and shall have the same power to enforce the attendance of such witnesses and to compel them to give evidence as is vested in any Court of law in civil cases. A notice to attend before the Board shall be sufficient, if signed by the chairman of the Board, or by any one of the commissioners.

Board may  
examine  
witnesses on  
oath.

(2) No party or witness shall be compelled to answer any question his answer to which might render him liable to a criminal prosecution. R. S. O., 1897, c. 223, s. 482.

Privileges of  
witnesses.

**483.**—(1) The Commissioners shall annually at their first meeting held after the mayor of the municipality has taken his oath of office, elect a chairman.

Chairman.

(2) A majority of the Board shall constitute a quorum, and the acts of a majority shall be considered acts of the Board.

Quorum.

(3) All meetings of the Board of Commissioners of Police in cities shall be open to the press and the public, unless otherwise decided by the Board. R. S. O., 1897, c. 223, s. 483.

Meetings in  
cities to be  
open to public.

**484.**—(1) The Board of Commissioners of Police shall, in cities license and regulate second-hand shops and junk stores or shops and the owners of livery stables and of horses, cabs, carriages, carts trucks, sleighs, omnibuses and other vehicles regularly used for hire within the said city whether such owners are resident or non-resident therein, and shall establish the rates of fare to be taken by the owners or drivers of such vehicles for the conveyance of goods or passengers, either wholly within the limits of the city, or from any point within the city to any other point not more than three miles beyond said limits, and may provide for enforcing payment of such rates; and for such purposes shall pass by-laws and enforce the same in the manner in which and to the extent to which any municipal by-law passed under the authority of this Act may be enforced.

Licensing  
and regulat-  
ing second-  
hand and  
junk shops,  
livery stables,  
cabs, etc., in  
cities.

(2) The Board of Commissioners of Police in any city may pass by-laws defining areas or districts and localities in the city within the limits of which no livery stable or sale or boarding

By-law defin-  
ing area in  
which no  
livery stable  
etc., shall be  
kept.



boarding stable, or stable in which horses are to be kept for hire or for express purposes shall be established or maintained.

Regulating  
hours of labor  
of persons em-  
ployed in  
livery stables,  
etc.

(3) The Board of Commissioners of Police in any city shall pass a by-law or by-laws for regulating the hours of labour of persons employed in livery or boarding stables, or as drivers of cabs, carriages or sleighs kept for hire within the said city, and may also pass by-laws for regulating the hours of labour of persons employed by the owners of horses, carts, trucks, omnibuses and other vehicles kept for hire within the said city, and for licensing drivers of cabs within the said city.

Control of  
children.

(4) The Board of Commissioners of Police shall also regulate and control children engaged as,

(a) Express or despatch messengers ;

(b) Vendors of newspapers and small wares ;

(c) Bootblacks. R.S.O., 1897, c. 223, s. 484 (1)-(4).

Junk shops  
buying from  
minors.

(4a) The Board of Commissioners of Police in any city and the council of any town or village may by by-law prohibit keepers of second-hand shops, or junk stores or shops, from directly or indirectly purchasing from, exchanging with or receiving in pledge from any minor appearing to be under the age of 18 years, without written authority from a parent or guardian of such minor, any metals, goods or articles. 63 V. c. 33, s. 20 ; 2 Edw. VII., c. 29, s. 12.

Bands of  
music.

(5) The Board of Commissioners of Police in any city, and the council of any town, may regulate or prohibit the playing of bands and of musical instruments on any street, highway, park or public place in the city; but this shall not apply to any military band attached to any regular corps of the militia of Canada when on duty under the command of its regular officer. R.S.O., 1897, c. 223, s. 484 (5).

[See as to additional powers of Boards of Police Commissioners in cities of 100,000 inhabitants or over. Secs. 540 (1), 581, 583.]

How by-law  
of Board  
authenticated  
and proved.

**485.** All by-laws of any Board of Commissioners of Police shall be sufficiently authenticated by being signed by the chairman of the Board which passes the same ; and a copy of such by-law, written or printed, and certified by any member of the Board to be a true copy, shall be deemed authentic, and be received in evidence in any Court of Justice without proof of such signature, unless it is specially pleaded or alleged that the signature to such original by-law has been forged. R.S.O., 1897, c. 223, s. 485.

May be en-  
forced by  
penalties, etc.

**486.** In all cases where any Board of Commissioners of Police are authorized to make by-laws, either under this or any other

other Act or law, they shall have power in and by such by-laws, to attach penalties for the infraction thereof; and such by-laws may be enforced, and such penalties may be recovered by summary proceedings before the Police Magistrate of the city for which the same are passed, or, in his absence, before any Justice of the Peace having jurisdiction therein, in the manner and to the extent that by-laws of city councils may be enforced under the authority of this Act; and the convictions in such proceedings may be in the form set forth in section 707 of this Act. R.S.O., 1897, c. 223, s. 486.

**486a.** The granting or refusing of a license to any person to carry on a particular trade, calling, business or occupation under any of the powers conferred upon the municipal council or Board of Police Commissioners of any municipality by this Act shall be deemed to be in the discretion of the council or board as the case may be and the council or board shall not be bound to state any reason for the granting or the refusing of any such license. 62 V. (2) c. 26, s. 29. Discretion in granting or refusing licenses.

#### HIGH BAILIFF AND POLICE FORCE.

**487.** The council of every city shall appoint a high bailiff; but may provide, by by-law, that the offices of high bailiff and chief constable shall be held by the same person. R.S.O., 1897, c. 223, s. 487. High bailiffs.

**488.** The police force in cities and in towns having a Board of Commissioners of Police, shall consist of a chief constable, and as many constables and other officers and assistants as the council from time to time deem necessary, but in cities, not less in number than the Board reports to be absolutely required. R.S.O., 1897, c. 223, s. 488; 3 Edw. VII., c. 18, s. 99. Police force in cities and towns.

**489.** The members of the police force in cities and in such towns shall be appointed by and hold their offices at the pleasure of the Board, and shall take and subscribe the following oath: Appointment of members of police force.

I, A. B., do swear that I will well and truly serve our Sovereign Lord the King in the office of Police Constable for the  
of without favour or affection, malice or ill-will;  
and that I will, to the best of my power, cause the peace to be kept and preserved and will prevent all offences against the persons and properties of His Majesty's subjects; and that while I continue to hold the said office, I will, to the best of my skill and knowledge, faithfully discharge all the duties thereof according to law. Oath of office.

R.S.O., 1897., c. 223, s. 489.

**490.** The Board shall, from time to time, make such regulations as they may deem expedient for the government of the force, for preventing neglect or abuse, and for rendering the Board to make regulations.

the force efficient in the discharge of all its duties. R. S. O., 1897, c. 223, s. 490.

Constables to be subject to the Board.

**491.** The constables shall obey all lawful directions of, and shall be subject to the government of the Board; and they shall be charged with the special duties of preserving the peace, preventing robberies and other crimes and offences, and apprehending offenders; and shall have generally all the powers and privileges, and be liable to all the duties and responsibilities, which belong by law to constables duly appointed. R.S.O., 1897, c. 223, s. 491.

Duties of constables.

Remuneration and contingent expenses.

**492.**—(1) The council shall appropriate and pay such remuneration for and to the respective members of the force, as may be required by the Board of Commissioners of Police; and shall provide and pay for all such offices, watch-houses, watch-boxes, arms, accoutrements, clothing and other necessities and necessary expenses as the Board may from time to time deem requisite and require for the payment, accommodation, use and maintenance of the force. R. S. O., 1897, c. 223, s. 492 (1); 3 Edw. VII., c. 18, s. 100.

Indemnifying police officers.

(2) The council may in its discretion appropriate any sum necessary for and may pay for the protection, defence or indemnification of members of the police force in proper cases, where suits or prosecutions are brought against members of the force, and costs are necessarily incurred and damages recovered, and where the Board of Commissioners of Police certify to the council that the case is a proper one for such payment or indemnity. R.S.O., 1897, c. 223, s. 492 (2).

Constables in towns and villages.

**493.** The council of every town not having a Board of Commissioners of Police shall, and the council of every village may, appoint one chief constable and one or more constables for the municipality; and the persons so appointed shall hold office during the pleasure of the council. R.S.O., 1897, c. 223, s. 493.

Dissolution of Boards of police commissioners in towns.

**494.** Where in a town there was on the 24th day of March, 1874, a Board of Commissioners of Police, constituted under the Acts then in force respecting municipal institutions in this Province, the council of the said town may, by by-law, dissolve and put an end to the Board, and thereafter the council shall have and exercise all powers and duties which might, under said Acts, have been had or exercised by the Board; and unless and until so dissolved and put an end to, the Board shall have and exercise all the powers and duties which, but for this section, would have been exercised or had by the Board. R.S.O., 1897, c. 223, s. 494.

County and township constables.

**495.** The council of every county and township may appoint one or more salaried constables for the municipality, to



to hold office during the pleasure of the council. Every such constable, and any city, town or village constable, shall have the same powers and privileges and be subject to the same liability and to the performance of the same duties, and shall be subject also to suspension by the Judge of the County Court in the same manner, and may act within the same limits, as a constable appointed by the Court of General Sessions. R.S.O., 1897, c. 223, s. 495. Their powers.

**496.** Where any salaried constable is appointed for any municipality, whether by the municipal council or by the Board of Commissioners of Police, the council may agree that such constable shall keep for his own use his fees of office; or may require that the said fees shall be paid to the municipal treasurer for the use of the municipality. R. S. O., 1897, c. 223, s. 496. Fees of salaried constable.

**497.** In case any person complains to a chief of police or to a constable in a town or city of a breach of the peace having been committed, and in case such officer has reason to believe that a breach of the peace has been committed, though not in his presence, and that there is good reason to apprehend that the arrest of the person charged with committing the same is necessary to prevent his escape, or to prevent a renewal of a breach of the peace, or to prevent immediate violence to person or property, then, if the person complaining gives satisfactory security to the officer that he will, without delay, appear and prosecute the charge before the Police Magistrate or before the mayor or sitting Justice, the officer may, without warrant, arrest the person charged, in order to his being conveyed as soon as conveniently may be before the Police Magistrate, Mayor or Justice, to be dealt with according to law. R. S. O., 1897, c. 223, s. 497. Arrests by constables for alleged breaches of the peace not committed in their presence.

**498.** Until the organization of a Board of Commissioners of Police in a town, the mayor or Police Magistrate thereof may suspend from office, for any period in his discretion, the chief constable or any constable of the town, and may, if he chooses, appoint some other person to the office during such period; and in case he considers the suspended officer deserving of dismissal, he shall, immediately after suspending him, report the case to the council, and the council may dismiss such officer, or may direct him to be restored to his office after the period of his suspension has expired. R.S.O., 1897, c. 223, s. 498. Until a board of police is organized, mayor, etc., may suspend chief constable, etc., from office, etc.

**499.** During the suspension of such officer he shall not be capable of acting in his office, except by the written permission of the mayor or Police Magistrate who suspended him; nor during such suspension shall he be entitled to any salary or remuneration. R.S.O., 1897, c. 223, s. 499. Incapacity of such officer to act. Salary to cease.

DIVISION IV.—COURT HOUSES, GAOLS, REFORMATORIES AND PLACES OF CORRECTION OR IMPRISONMENT.

*Court houses and gaols. Establishment. Secs. 500-503.*

*Court houses and gaols. Care and expenses. Secs. 504-517.*

*Lock-up houses. Secs. 518-523.*

*Industrial Farms, Houses of Industry and Houses of Refuge. Secs. 524-526.*

*Houses of Correction. Secs. 527, 528.*

*Inebriate Asylums. Sec. 529.*

COURT HOUSES, GAOLS, ETC.

*Establishment.*

County council may pass by-laws as to county buildings.

**500.** Every county council may pass by-laws for erecting, improving and repairing a court house, gaol, house of correction and house of industry, upon land being the property of the municipality, and shall preserve and keep the same in repair and provide the food, fuel and other supplies required for the same. R.S.O., 1897, c. 223, s. 500.

Acquiring land for court houses in cities.

**501.** Every county council may, when a court house is required to be erected within the limits of a city, pass by-laws for entering upon, taking, using and acquiring such land as may be necessary or convenient for the purposes of such court house. R.S.O., 1897, c. 223, s. 501.

Gaols and court houses in counties and cities, etc., not separated.

**502.** The gaol, court house and house of correction of the county in which a city or town not separated for all purposes from a county, is situate, shall also be the gaol, court house and house of correction of the city or town, and shall, in the case of such city, continue to be so until the council of the city otherwise directs; and the sheriff, gaoler and keeper of the gaol and house of correction shall receive and safely keep, until duly discharged, all persons committed thereto by any competent authority of the city or town. R.S.O., 1897, c. 223, s. 502.

City councils may erect, etc., certain public buildings.

**503.** The council of any city may erect, preserve, improve and provide for the proper keeping of a court house, gaol, house of correction and house of industry, upon lands being the property of the municipality, and may pass by-laws for all or any of such purposes. R.S.O., 1897, c. 223, s. 503.

*Care of Court Houses and Gaols.*

Custody of gaols.

Keepers.

**504.**—(1) The sheriff shall have the care of the county gaol, gaol offices and yard, and gaoler's apartments; and the appointment of the keepers thereof, whose salaries shall be fixed by the county council, subject to the revision or requirement of the Inspector of Prisons and Public Charities.

(2) Every appointment or dismissal of a gaoler shall be subject to the approval of the Lieutenant-Governor. *R.S.O., 1897, c. 223, s. 504.* Appointment and dismissal of gaolers.

**505.** The salary of the gaoler shall be in lieu of all fees, perquisites or impositions of any sort or kind whatever; and no gaoler or officer belonging to the gaol shall demand or receive any fee, perquisite or other payment from any prisoner confined within the gaol or prison. *R.S.O., 1897, c. 223, s. 505.* Gaoler to have a yearly salary in place of all fees, perquisites or impositions whatever.

**506.**—(1) The county council shall have the care of the court house and of all offices and rooms and grounds connected therewith, whether the same forms a separate building or is connected with the gaol, and shall have the appointment of the keepers thereof, whose duty it shall be to attend to the proper lighting, heating and cleaning thereof; and they shall from time to time provide all necessary and proper accommodation, fuel, light, stationery and furniture for the Courts of Justice other than the Division Courts, and for the library of the Law Association of the county (such last mentioned accommodation to be provided in the court house), and shall provide proper offices, together with fuel, light, stationery and furniture, for all officers connected with such Courts other than (1) officers of the Maritime Court of Ontario (not being in the County of York) and (2) official assignees. *R. S. O., 1897, c. 223, s. 506. As to Division Courts, see R.S.O., c. 60, s. 11.* County council to have care of court-house, etc.

(2) In the case of the Crown Attorney of the City of Toronto, the city council of the City of Toronto shall provide proper offices, together with fuel, light, stationery and furniture. *61 V. c. 23, s. 17.*

**507.** In any city not being separated from the county for all purposes, but having a gaol or court house separate from the county gaol or court house, the care of such city gaol or court house shall be regulated by the by-laws of the city council. *R.S.O., 1897, c. 223, s. 507; 3 Edw. VII. c. 18, s. 101.* City gaols, to be regulated by by-laws of city council.

**508.** In case of a separation of a union of counties, all rules and regulations, and all matters and things in any statute for the regulation of, or relating to court houses or gaols, in force at the time of the separation, shall extend to the court house and gaol of the junior county. *R.S.O., 1897, c. 223, s. 508.* Upon separation of union of counties, gaol and court-house regulations to continue.

### *Costs and Expenses of Court Houses and Gaols.*

**509.**—(1) Cities and separated towns shall, as parts of their respective counties for judicial purposes, bear and pay their just share or proportion of all charges and expenses from time to time incurred in erecting, building and repairing and maintaining, enlarging or improving the court house and gaol of their respective counties, and of the proper lighting, cleansing Liability of cities and towns separated from counties for erection and maintenance of court house, etc.



cleansing and heating thereof, and of providing all necessary and proper accommodation, fuel, light, stationery and furniture for the goal and Courts of Justice, other than the Division Courts, and for the library of the Law Association of the county and of providing proper offices, together with fuel, light, stationery and furniture for officers connected with such Courts, where the same are required to be provided by the county council, and all other charges relating to criminal justice, payable by the county in the first instance, except constables' fees and disbursements, and charges connected with coroners' inquests, and such other charges as the counties are entitled to be repaid by the Province.

Reference to arbitration in case of disagreement.

(2) In case the council of the city or separated town and the council of the county in which, for judicial purposes, such city or town is situate cannot, by agreement from time to time, settle and determine the amount to be so payable by such city or town respectively, then the same shall be determined by arbitration, according to the provisions of this Act.

Purchase of lands and erection of buildings for municipal and judicial purposes.

(3) It shall be lawful for the council of any county and the council of any city or town situate in such county, but separated therefrom for municipal purposes, to enter into any agreement,

(a) For the purchase or acquisition of land within the county town for the purpose of erecting thereon buildings for the use of such county and city or town, for municipal and judicial purposes; and

(b) For the erection, maintenance, use, management and control of such buildings; and

(c) For fixing or ascertaining the amount which each municipality shall pay or contribute for the purposes aforesaid; and

(d) For the subsequent disposition of such land and buildings, and of any insurance or other moneys that may be received in respect thereof;

and to acquire such land as may be necessary for the erection thereon of such buildings;

and to pass all such by-laws as may from time to time be necessary for the purchasing of such land, and the carrying out of any such agreement. R.S.O., 1897, c. 223, s. 509.

When county has paid amount of town's interest in county buildings.

**510.** Where a city or separated town has before July 1st, 1897, been paid by the county after the separation for its interest in such court house and gaol, or in a house of correction or registry office, and where the city or town has not erected separate buildings, the award may determine what sum (if any) shall be annually paid to the county as the share or contribution of the city or town for or in respect of any enlargement or improvement made by the county after the separation. But no award shall provide for the purchase by the

the county from a city or town not separated from the county for judicial purposes of the interest of such city or town in such buildings or in the enlargement or improvement thereof. R.S.O., 1897, c. 223, s. 510.

**511.** Where under an agreement or award made before July 1st, 1897, upon the separation of a town from a county for municipal purposes, or under an award made or agreement entered into thereafter between the city or town and the county, the corporation of the county has paid to the corporation of the separated town or city compensation for the amount contributed by the separated town or city prior to its separation from the county for municipal purposes, towards the erection, enlargement or improvement of the court house, gaol or house of correction, or registry office, or any of them, and in case the town or city has not erected separate buildings, the corporation of the city or town shall annually pay to the county an amount equal to five per centum of the amount so paid to the city or town, and the amount so to be paid by the city or town shall be in addition to the amount to be contributed by the city or town under section 509 of this Act. R.S.O., 1897, c. 223, s. 511.

City or town to pay 5 per cent. per annum upon sum received for its interest in the court house, gaol, etc.

**512.** Nothing in sections 510, 511 or 516*a* of this Act shall affect any agreement or award in force on the 1st day of July, 1897, or any action or proceedings at law pending on said date, but the said sections shall apply in case of any agreement or award thereafter made between any such county and city or separated town. 62 V. (2) c. 26, s. 30 (2).

Pending actions and awards now in force.

**513.** The council shall not be liable to pay for any furniture which they are required to provide under the provisions of sections 506 and 509 of this Act, unless the same has been ordered by the council or by some person duly authorized by them so to do. R.S.O., 1897, c. 223, s. 513.

Liability for furniture for use of county officials.

**514.** The corporation of any county, city or town separated from the county, are hereby declared to have, respectively, insurable interests in the court house and gaol of the county and the furniture thereof, in the proportions in which they shall, for the time being, be liable to contribute towards the erection, building, repairing and maintaining the same, and towards providing necessary accommodation and furniture for the said gaol and Courts of Justice, and for the officers connected with such Courts; and any such corporation may insure its said interest accordingly. R.S.O., 1897, c. 223, s. 514.

Insurable interests of corporations in certain cases.

**515.—(1)** In all cases in which any city is required to contribute to the cost of erecting or building a court house or gaol, not commenced before the 5th day of March, 1880, the council of such city shall not be bound to pay for any part of the expenditure thereafter incurred in respect thereof, unless the

Liability of city to contribute to cost of erecting court-houses and goals.

same

same has been concurred in by the council of the city, or, in case of dispute, has been determined by arbitration, according to the provisions of this Act; and the council of the city shall have a voice in the selection of the site of the court house and gaol.

(2) In case the council of the county and city fail to agree upon the selection of such site, the same shall be settled and determined by arbitration, according to the provisions of this Act. R. S. O., 1897, c. 223, s. 515.

Compensation by city or town for use of court-house, etc.

**516.**—(1) While a city or town uses the court house, gaol or house of correction of the county, the city or town shall pay to the county such compensation therefor, and for the care and maintenance of prisoners, as may be mutually agreed upon, or settled by arbitration under this Act.

Matters to be considered in determining compensation.

(2) In case of arbitration under this section, in determining the compensation to be paid for the care and maintenance of prisoners confined in the gaol, the arbitrators shall, so far as they deem the same just and reasonable, take into consideration the original cost of the site and erection of gaol buildings and of repairs and insurance, so far as the same have been borne or sustained by one or other of the municipalities, and they shall also take into consideration the cost of maintaining and supporting the prisoners, as well as the salaries of all officers and servants connected therewith; but the provisions of this subsection shall apply only to the determining of the compensation to be paid for the care and maintenance of any such prisoners subsequent to the 1st day of January, 1886. R. S. O., 1897, c. 223, s. 516.

Settlement of amount payable by city or town for use of court-house in certain cases.

**516a.** Where in any city or town the court house and gaol have been erected at the expense of the county after the separation of such city or town from the county and before the 29th day of March, 1873, and such city or town has not erected separate buildings, in default of any agreement between the city or town and county the arbitrators shall, in making their award, take into account the use of the court house by the inhabitants of such city or town in common with the inhabitants of the county, and apart from and in addition to any amount payable under this Act for the use of the said buildings by the city or town as a municipal corporation or for municipal purposes, and to the extent of the use of the said buildings by the inhabitants of the said city or town and of the county respectively or by the municipal corporation of the said city or town and the municipal corporation of the county respectively for any or all purposes jointly or severally as well connected with the general administration of justice of the entire county and city or town as for the separate use for municipal purposes by either the county or the city or town, and in estimating the amount to be paid by the city or town to the county the arbitrators shall award a proportion of the annual interest upon



upon the cost incurred prior to the said date in the erection of such buildings, which interest shall be computed at the rate of five per centum per annum, and the amount so awarded to be paid by the city or town shall be in addition to the amount payable by such city or town under sections 509 and 516 of this Act. 62 V. (2), c. 26, s. 30.

**517.** In case, after the lapse of five years from such compensation having been so agreed upon or awarded, or having been settled by statute, it appears reasonable to the Lieutenant-Governor in Council, upon the application of either party, that the amount of the compensation should be reconsidered, he may, by an Order in Council, direct that the then existing arrangement shall cease after a time named in the Order; and after such time the councils shall settle anew, by agreement or by arbitration under this Act, the amount to be paid from the time so named in the Order. R. S. O., 1897, c. 223, s. 517.

#### LOCK-UP HOUSES.

**518.** The council of every county may establish and maintain a lock-up house, or lock-up houses, within the county, and may establish and provide for the salary or fees to be paid to the constable to be placed in charge of every such lock-up house; and may direct the payment of the salary out of the funds of the county. R. S. O., 1897, c. 223, s. 518.

**519.** Every lock-up house shall be placed in the charge of a constable specially appointed for that purpose by the magistrates of the county at a General Sessions of the Peace therefor. R. S. O., 1897, c. 223, s. 519.

**520.**—(1) The council of every city, town, township, and village may, by by-law, establish, maintain and regulate lock-up houses for the detention and imprisonment of persons sentenced under any by-law of the council to imprisonment for not more than ten days; and of persons detained for examination on a charge of having committed any offence; and of persons detained for transmission to any common goal or house of correction, either for trial or in the execution of any sentence; and such councils shall have all the powers and authorities conferred on county councils in relation to lock-up houses.

(2) Two or more municipalities may unite to establish and maintain a lock-up house. R. S. O., 1897, c. 223, s. 520.

**521.**—(1) In case a county town has not a lock-up approved by the Inspector of Prisons and Public Charities, and the county gaol is used for the purposes of a lock-up, the municipal corporation of the county town shall pay yearly to the county treasurer for the use of the county a reasonable amount for

for the use of the gaol as a lock-up, and for the expenses incurred thereby and in connection therewith; and in the event of any dispute arising as to the amount which should be paid to the county as aforesaid, the same shall be settled by arbitration as provided for under this Act.

(2) This section shall not apply to cities or separated towns for which provision is made by sections 516 and 516a of this Act. R. S. O., 1897, c. 223, s. 521.

Existing lock-up houses to continue.

**522.** Nothing herein contained shall affect any lock-up house heretofore lawfully established, but the same shall continue to be a lock-up house as if established under this Act. R. S. O., 1897, c. 223, s. 522.

Expense of conveying and maintaining prisoners.

**523.** The expense of conveying any prisoner to, and of keeping him in a lock-up house, shall be defrayed in the same manner as the expense of conveying him to and keeping him in the common gaol of the county. R. S. O., 1897, c. 223, s. 523.

[Section 409 of 29-30 V. c. 51, (See 36 V. c. 48, s. 367, R. S. O. 1877, c. 174, s. 449, 46 V. c. 18, s. 476 and R. S. C. Sched. B.,) is as follows :—

Who liable to confinement in lock-up.

409. Any Justice of the Peace of the county may direct by warrant in writing under his hand and seal, the confinement in a lock-up house within his county, for a period not exceeding two days, of any person charged on oath with a criminal offence, whom it may be necessary to detain until examined, and either dismissed or fully committed for trial to the common gaol, and until such person may be conveyed to such gaol; also the confinement in such lock-up-house, not exceeding twenty-four hours, of any person found in a public street or highway in a state of intoxication or any person convicted of desecrating the Sabbath; and generally may commit to a lock-up-house instead of the common gaol or other house of correction, any person convicted on view of the justice, or summarily convicted before any justice or justices of the peace of any offence cognizable by him or them, and liable to imprisonment therefor under any statute or municipal by-law. 29-30 V. c. 51, s. 409.]

#### INDUSTRIAL FARMS, ETC.

Land may be acquired for industrial farms, house of industry, refuge, etc.

**524.**—(1) The council of every county, city or town separated from a county may acquire an estate in landed property for an industrial farm, and may establish a house of industry and a house of refuge, and may provide, by by-law, for the erection and repair thereof, and for the appointment, payment and duties of inspectors, keepers, matrons and other servants for the superintendence, care and management of such houses of industry or refuge, and may in like manner make rules and regulations (not repugnant to law) for the government of the same.

Proviso as to united or contiguous counties.

(2) Two or more united counties, or two or more contiguous counties, or a city and one or more counties, or a town and one or more counties, may agree to have only one

one house of industry or refuge for such united or contiguous counties, or city and counties, or town and counties, and may maintain and keep up the same in the manner herein provided.

(3) The council may provide, by by-law, for requiring persons sent to such industrial farm or other place, to work on the said farm, or at any work or service for the said municipality, at such times, and for such hours, and at such trade or labour as they may appear to be fit for, and for buying and selling material therefor, and for applying the earnings, or part of the earnings of such persons for their maintenance or the maintenance of the wife and child or wife and children (if any) of such persons, or for the general maintenance of the farm or other place as aforesaid, or towards aiding such persons to reach their friends (if any) or any place to which it may be deemed advisable to send them.

Power to compel persons sent to industrial farms, etc., to work thereon.

(4) Any two or more local municipalities shall have the same powers and rights as to acquiring, holding and maintaining an industrial farm, or acquiring, erecting and maintaining a house of industry or refuge as any county or city or united or contiguous counties or city or town and county have under and by virtue of this Act or otherwise, and may arrange with any other local municipality or municipalities for the admission (upon such terms and conditions as may be agreed upon between them), of such other local municipality or municipalities to a joint ownership or occupancy or right of user by said other municipality or municipalities in or of said farm, house of industry or house of refuge. Any purchase or grant to or acquisition by two or more local municipalities of any such farm, or the erection of any such house of industry or house of refuge, or any agreement or by-law therefor, or any agreement or by-law for the admission of any other local municipality to such joint ownership or right of user or occupation made, entered into or passed before the 23rd day of March, 1888, shall be as valid and binding for all purposes as though made, entered into or passed after the passing hereof.

Industrial farms and houses of refuge for two or more municipalities.

(5) All the provisions of this Act relating to industrial farms, houses of industry or houses of refuge respectively, shall apply to any such local municipalities and to any industrial farm, house of industry or house of refuge acquired, erected, occupied or maintained thereby as fully as to any other municipality or municipalities in the preceding subsection mentioned, or to any industrial farm, house of industry or house of refuge acquired, owned, erected, occupied or maintained by them, or any of them.

Maintenance of patients sent by local municipalities to House of Refuge.

(6) The county council may provide by by-law that each local municipality within the county shall be required to pay a sum not exceeding the rate of one dollar and fifty cents per week for the maintenance and support of each person sent to the house of refuge by or from such local municipality and received therein.

Contribution of local municipality to maintenance of inmates.



Detention of indigent persons.

(7) The county council may pass by-laws for committing to and detaining at any house of industry, indigent persons, for a period of not more than twelve months; and the warrant under the seal of the corporation of the warden or head of a council passing such by-law shall be sufficient authority to the keeper of such house of industry to detain the person therein mentioned for a period stated in such warrant not to exceed twelve months; but this shall not affect the powers of committal by law conferred on any other person or officer. R.S.O., 1897, c. 223, s. 524.

Inmates of houses of industry or refuge.

(8) In case any person who is an inmate of such house of industry or house of refuge is possessed of any real or personal property and desires to transfer by way of security or by absolute conveyance such real or personal property to the municipal corporation having control of such house of industry or house of refuge as payment or compensation for his maintenance for such time as he remains an inmate therein or as may be agreed upon, such person may convey or transfer either by way of security or absolutely as aforesaid such real or personal property to the municipal corporation, and the municipal corporation may receive and hold such real or personal property for the purposes of the corporation and may dispose of the same in such manner as the council may deem proper; or in case such property is only held by way of security the said corporation shall, upon the death of such person, sell and dispose of the same and apply the proceeds in payment of the actual cost of maintenance of such person in such house with interest thereon at six per cent. per annum, together with the cost of realizing on said property. The balance of such proceeds if any, shall go to the person entitled thereto as if such conveyance had not been made or according to his direction; but no such conveyance shall be valid unless executed in the presence of the judge of the county and unless there shall be endorsed thereon a certificate signed by such judge stating that he has examined the grantor and is satisfied that the transfer is not under the circumstances improvident and was made by the grantor voluntarily and that he understood the effect thereof and desired to make such conveyance. 62 V. (2) c. 26, s. 31,

Cost of maintenance of person committed to House of Refuge; how apportioned.

(9) Where a person sent to the house of refuge has not resided continuously in the local municipality, by or from which he is sent, for the period of three years immediately preceding his committal, every city, town, village or township, whether in the same county or in an adjoining county, in which such person has resided during such period, shall be responsible for a proportionate share of the cost of his maintenance and support at the house of refuge, and of the expenses connected with his committal thereto; and the local municipality which makes the payments in the first instance may recover from any other municipality so made liable in the Division Court held within or near to the municipality suing, such proportion of the said cost and expenses as the length

length of residence of the inmate in the municipality against which the claim is made bears to the whole of the said period of three years; and any such suit may be brought against one or more municipalities liable in order that the rights and liabilities of all the municipalities concerned may be settled in one suit. Provided that any sums advanced by any municipality towards the maintenance and support of such person during the said period of three years prior to his committal to the house of refuge shall be treated as part of the said cost and expenses, and be taken into account in fixing the proportions to be paid by the different municipalities concerned. 3 Edw. VII. c. 18, s. 102.

Proviso.

**525.** The inspector of a house of industry or refuge appointed as aforesaid shall keep an account of the charges of erecting, keeping and maintaining the house of industry or house of refuge, and of all materials found and furnished therefor, together with the names of the persons received into the house, as well as of those discharged therefrom, and also of the earnings. R. S. O., 1897, c. 223, s. 525; 3 Edw. VII. c. 18, s. 103.

Inspectors to keep and render accounts of expenses, etc.

**526.**—(1) Any person authorized for that purpose by by-law of the county council may, by writing under his hand and seal, commit to the house of industry or of refuge to be employed and governed according to the rules, regulations and orders of the house:

Justices, etc., may commit certain persons to House of Industry, etc.

1. All poor and indigent persons who are incapable of supporting themselves,
2. All persons without means of maintaining themselves and able of body to work, and who refuse or neglect to do so,
3. All persons leading a vagrant life, and exercising no ordinary calling or lawful business sufficient to gain or procure an honest living,
4. And all such as spend their time and property in public-houses to the neglect of any lawful calling, and
5. Idiots.

R. S. O., 1897, c. 223, s. 526 (1); 62 V. (2) c. 26, s. 32 (1) 63 V. c. 33, s. 21.

(2) Every person committed to the house of industry or refuge, if fit and able, shall be kept diligently employed at labour during his confinement therein, and in case any such person is idle, and does not perform such reasonable task or labour as may be assigned, or is stubborn, disobedient, or disorderly, such person shall be punished according to the rules and regulations of the house of industry or refuge in that behalf. R. S. O., 1897, c. 223, s. 526 (2).

Punishment of refractory inmates.

#### HOUSES OF CORRECTION.

**527.** The council of every city and town may respectively pass by-laws:

By-laws may be passed establishing  
1. workhouses

and houses of correction.

1. For erecting and establishing within the city or town or on such industrial farm, or on any ground held by the corporation for public exhibitions, a workhouse or house of correction and for regulating the government thereof.

Who liable to be committed thereto,

2. For providing that the Mayor, Police Magistrate, or any Justice of the Peace having jurisdiction in the municipality, may commit and send, with or without hard labour, to the workhouse or house of correction, or to the industrial farm, house of industry, house of refuge, or house for the poor, aged, and infirm, or lock-up, or to any work or service for the municipality as aforesaid, such disorderly persons, drunkards, vagrants, indigent persons, and such description of persons as are set forth or referred to in section 526 and as may by the council be deemed, and by by-law be declared expedient; and such farm, house of correction, house of industry, house of refuge, or house for the poor, aged, or infirm, lock-up house, or ground held as aforesaid, shall, for the purposes in this subsection mentioned, be deemed to be within the municipality and the jurisdiction thereof. R. S. O., 1897, c. 223, s. 527.

Until houses of correction erected, the common gaols are constituted houses of correction.

**528.** Until separate houses of correction are erected in the several counties in Ontario, the common gaol in each county respectively shall be a house of correction; and every idle and disorderly person, or rogue and vagabond, and incorrigible rogue, and any other person by law subject to be committed to a house of correction, shall, unless otherwise provided by law, be committed to any such common gaol respectively. R. S. O., 1897, c. 223, s. 528.

#### INEBRIATE ASYLUMS.

Institutions for reclamation of habitual drunkards.

**529.** The council of every city having a population of 50,000 or over may pass by-laws:

1. For erecting and establishing within the city an institution for the reclamation and cure of habitual drunkards.

2. For providing that the mayor, Police Magistrate or any Justice of the Peace having jurisdiction in the municipality, may commit or send, with or without hard labour, to the institution for the reclamation and cure of habitual drunkards such persons being habitual drunkards who also are within the description of persons referred to in section 526 and as may by the council be deemed, and by by-law be declared to be expedient.

3. In the event of an institution for the reclamation and cure of habitual drunkards being established in any city, sections 97 to 108, both inclusive, of chapter 318 of the Revised Statutes shall be applicable thereto as if such institution had been named in said Act. R. S. O., 1897, c. 223, s. 529; 3 Edw. VII. c. 18, s. 104.

Rev. Stat. c. 318.

#### DIVISION V.—BOARD OF AUDIT—CRIMINAL JUSTICE, ETC.

*County Boards of Audit.* Sec. 530 (1).

*Payment of members.* Sec. 530 (2).

*Appointment of auditor by city council.* Sec. 530 (3).



**530.**—(1) Every county council at its first meeting in each year shall appoint two persons, not more than one of whom shall belong to the council, to be members of the Board of Audit for auditing and approving accounts and demands preferred against the county, the approving and auditing whereof previous to the 19th day of December, 1868, belonged to the General Quarter Sessions. County  
Boards of  
Audit.

(2) The council may pay the members of the said Board of Audit any sum not exceeding \$4 each per day for their attendance at such audit, and five cents for each mile necessarily travelled in respect thereof in going to and from such audit. R. S. O., 1897, c. 223, s. 530. Payment of  
members of  
Board.

(3) Where a city forms part of a county for judicial purposes and pays a proportion of the expenses of the administration of justice, one of the auditors appointed for auditing and approving accounts and demands preferred against the county, a portion of which is payable by the city, shall be appointed by the city council, the other auditor being appointed by the county council. 63 V. c. 33, s. 23. Appointment  
of one audi-  
tor by city

## PART VII.

### POWERS OF MUNICIPAL COUNCILS.

#### TITLE I.—IN GENERAL.

#### TITLE II.—AS TO HIGHWAYS AND BRIDGES.

#### TITLE III.—AS TO WORKS PAID FOR BY LOCAL RATE

#### TITLE IV.—AS TO RAILWAY AND STREET RAILWAY COMPANIES.

#### TITLE V.—AS TO AIDING IRON SMELTING WORKS.

#### TITLE VI.—AS TO AIDING THE ESTABLISHMENT OF GRAIN ELEVATORS.

### TITLE I.—POWERS IN GENERAL.

#### DIV. I.—AS TO THE MUNICIPALITY ITSELF.

#### DIV. II.—AS TO MUNICIPAL ELECTIONS.

#### DIV. III.—AS TO MUNICIPAL OFFICERS.

#### DIV. IV.—AS TO PAYMENT OF MEMBERS OF THE COUNCIL.

#### DIV. V.—AS TO FINANCE.

#### DIV. VI.—AS TO THE PROTECTION OF LIFE AND PROPERTY.

*Sub. Div. I.—Prevention of Accidents, etc.*

*Sub. Div. II.—Erection of Buildings and Elevators.*

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*Sub. Div. IV.—Fences.*

*Sub. Div. V.—Pounds.*

*Sub. Div. VI.—Miscellaneous.*

*Sub. Div. VII.—Police and Night Watchmen.*

DIV.

DIV. VII.—PUBLIC MORALS.

DIV. VIII.—PUBLIC HEALTH.

*Sub. Div. I.—Food and Drink.*

*Sub. Div. II.—Sanitary Measures.*

*Sub. Div. III.—Sewers and Drains.*

*Sub. Div. IV.—Purchasing Wet Lands.*

DIV. IX.—HIGHWAYS AND BRIDGES.

DIV. X.—STATUTE LABOUR.

DIV. XI.—WHARFS, HARBOURS, RIVERS AND STREAMS, ETC

DIV. XII.—WATER, LIGHT AND HEAT.

DIV. XIII.—STREET RAILWAYS, TELEPHONE SERVICE.

DIV. XIV.—TREES, PLANTING, PROTECTION AND REMOVAL OF.

DIV. XV.—PUBLIC PARKS AND INDUSTRIAL FARMS.

DIV. XVI.—CEMETERIES.

DIV. XVII.—FAIRS AND MARKETS.

DIV. XVIII.—REGULATION OF TRADE.

DIV. XIX.—NUISANCES.

DIV. XX.—EDUCATION.

DIV. XXI.—CHARITIES.

DIV. XXII.—AIDS, BONUSES AND LOANS.

DIV. XXIII.—BOUNTIES AND REWARDS.

DIV. XXIV.—ENTERTAINING GUESTS, TRAVELLING EXPENSES,  
DIFFUSING INFORMATION.

#### DIVISION I.—POWERS AS TO THE MUNICIPALITY ITSELF.

*Landmarks and monuments. Sec. 531.*

*Establishing boundaries. Sec. 532 (1).*

*Surveying and naming streets. Sec. 532 (2).*

*Numbering houses and lots. Sec. 532 (3).*

*Keeping a record of streets and numbers. Sec. 532 (4).*

*Census. Sec. 533 (1).*

*Submitting questions to the electors, Sec. 533 (1a).*

*Mortuary statistics, etc. Sec. 533 (2).*

*Acquiring property for public purposes. Sec. 534 (1), (2).*

*Town-Halls in townships. Sec. 534 (3).*

*Drill-sheds. Sec. 534 (4).*

#### *Landmarks and Monuments.*

Placing land-  
marks and  
monuments or  
marking bound-  
aries of con-  
cessions, lots,  
etc.

**531.**—(1) In case the council of any township, city, town or village adopts a resolution on the application of one-half of the resident landholders to be affected thereby, or upon its own motion, that it is expedient to place durable monuments at the front or rear of any concession or range or part thereof in the municipality, or at the front or rear angles of the lots therein, the council may apply to the Lieutenant-Governor, in the manner provided for in sections 14, 15 and 16 of *The Surveys Act*, praying him to cause a survey to be made of such concession or range, or such part thereof, and to cause such monuments

Rev. Stat.  
c. 181, ss. 14-  
16.

monuments to be placed under the authority of the Commissioner of Crown Lands.

(2) The person or persons making the survey shall accordingly plant stones or other durable monuments at the front or at the rear of such concession or range, or such part thereof as aforesaid, or at the front and rear angles of every lot therein (as the case may be); and the limits of each lot so ascertained and marked shall be the true limits thereof; and the cost of the survey shall be defrayed in the manner prescribed by the said statute. Cost of survey. R.S.O. 1897, c. 223, s. 531.

**532.** By-laws may be passed by the councils of the municipalities and for the purposes in this section respectively mentioned, that is to say: By-laws for,

*Ascertaining and Establishing Boundaries.*

By the councils of townships, cities, towns, and villages:—

1. For procuring the necessary estimates, and making the proper application for ascertaining and establishing the boundary lines of the municipality, according to law, in case the same has not been done; and for erecting and providing for the preservation of the durable monuments required to be erected for evidencing the same. Establishing boundaries of municipalities. R.S.O. 1897, c. 223, s. 532, par. 1.

*Surveying and Naming Streets.*

By the councils of cities, towns and villages:—

2. For surveying, settling, and marking the boundary lines of all streets, roads, and other public communications, and for giving names thereto, and for affixing such names at the corners thereof, on either public or private property; but no by-law for altering the name of any street, square, road, lane, or other public communication, shall have any force or effect unless passed by a vote in favour thereof of at least three-fourths of the whole council, nor unless and until a copy thereof certified under the hand of the clerk and the seal of the municipality has been registered in the registry office of the proper registry division; and the registrar shall be entitled to a fee of \$1 for every by-law so registered, and for the necessary entries and certificates in connection therewith. For marking the boundaries of and naming streets, etc.

(a) Every by-law changing the name of a street in a city or town, shall state the reason for the change, and shall not be finally passed until the same has been approved by the County Judge.

(b) The Judge, on an application by or on behalf of the municipal council, shall name a day, hour and place for considering the same, and for hearing the advocates of the change, and also any persons who deem themselves aggrieved thereby and desire to be heard, and any other persons as the Judge may think fit.

(c)



(c) A copy of the by-law and of the Judge's appointment shall be served on the registrar or deputy registrar of the registry division at least two weeks before the time named, and shall be published once in *The Ontario Gazette* at least two weeks before the time so named, and at least weekly for four weeks in such other newspaper or newspapers as the Judge directs.

(d) If the Judge approves of the change he shall certify to that effect, and his certificate shall be filed with the by-law in the registry office of the registry division in which the territory lies. The change shall take effect from the date of the registration of the certificate and not before. R.S.O. 1897, c. 223, s. 532, par. 2; 63 V. c. 33, s. 24.

#### *Numbering Houses and Lots.*

Numbering  
houses, etc.

3. For numbering the houses and lots along the streets of the municipality, and for affixing the numbers to the houses, buildings, or other erections along the streets, and for charging the owner or occupant of each house or lot with the expense incident to the numbering of the same.

#### *Record of Streets and Numbers.*

Record of  
streets, num-  
bers, etc.

4. For keeping (and every such council is hereby required to make and keep) a record of the streets and numbers of the houses and lots numbered thereon respectively, and for entering therein, (and every such council is hereby required to enter therein) a division of the streets with boundaries and distances for public inspection. R.S.O. 1897, c. 223, s. 532, pars. 3, 4.

By-laws for,

**533.** By-laws may be passed by the councils of the municipalities and for the purposes in this section respectively mentioned, that is to say :

#### *Census.*

By the councils of counties, townships, cities, towns and villages :—

Local census.

1. For taking a census of the inhabitants, or of the resident male freeholders and tenants in the municipality. R.S.O., 1897, c. 223, s. 533, par. 1.

#### *Submitting Questions to Electors.*

Submission of  
questions of  
general policy  
to electors at  
municipal  
elections.

1a. For providing for the submission to a vote of the electors at any annual municipal election of any question not specifically authorized by law ; for determining whether such questions shall be voted upon by the municipal electors generally or by the electors qualified to vote on a by-law for the creation of debts only, and for prescribing the procedure to be taken for such vote.

(a)

(a) The oaths to be taken by voters upon any such question shall, with such variations as may be necessary, be in the form prescribed for use at municipal elections or voting on money by-laws as the case may be.

(b) All the provisions of this Act respecting corrupt practices at municipal elections and voting on by-laws and all regulations and penalties provided by this Act with respect to the taking of the votes of electors on a by-law shall *mutatis mutandis* apply to the taking of a vote on any question submitted as aforesaid. 3 Edw. VII c. 18, s. 105.

#### *Mortuary Statistics.*

By the councils of cities, towns and villages :—

2. For directing the keeping and returning of bills of mortality; and for imposing penalties on persons guilty of default. R.S.O., 1897, c. 223, s. 533, par. 2. Bills of mortality.

**534.** By-laws may be passed by the councils of the municipalities and for the purposes in this section respectively mentioned, that is to say: By-laws for,

#### *Obtaining Property.*

By the councils of counties, townships, cities, towns and villages :—

1. For obtaining such real and personal property as may be required for the use of the corporation; and for erecting, improving and maintaining a hall, and any other houses and buildings required by and being upon the land of the corporation; and for disposing of such property when no longer required. Obtaining property, real and personal, etc.

#### *Acquiring Lands outside the limits for Public Purposes.*

By the councils of townships, cities, towns and villages :—

2. For acquiring and holding, by purchase or otherwise for the public use of the municipality, lands situate outside the limits of the municipality; but such lands so acquired shall not form part of the municipality, but shall continue and remain as of the municipality where situate; and all by-laws passed by township councils for the purpose of acquiring land as provided by this subsection, are hereby declared as legal and binding where the by-laws have not been contested or impeached before the 23rd day of April, 1887, as if the lands were within the limits of the municipality the council of which passed the by-law. Acquiring land outside of municipality.

#### *Town Halls.*

By the councils of townships :—

3. For acquiring lands in any town or village within, or partly within, the original boundaries of the township, for the purpose of erecting thereon a town hall, or for renting or acquiring a hall, within such town or village, for the purpose of a town hall. Acquiring land for a town hall in a town or village.

Township and other meetings may be held and notices posted at such hall.

(a) Any township owning, renting or otherwise acquiring a town hall in any such town or village may hold at such town hall, any meeting, nomination or election, or may post at such town hall any notice, assessment roll, or voters' list, or may do thereat any other act required by law to be held, posted or done in the township at the town hall; and any meeting of any mutual insurance company, or upon the formation thereof, which is required by any statute to be held in the municipality, may lawfully be held in such hall. R.S.O. 1897, c. 223, s. 534.

#### *Drill Sheds.*

By councils of cities or towns :—

Taking site for drill shed or armoury.

4. For entering upon, taking and acquiring so much land in the municipality as may be required for the purposes of a drill shed or armoury for any militia or volunteer force having their headquarters at the municipality, without the consent of the owners of such lands, making due compensation therefor to the parties entitled thereto under the provisions of this Act, or for acquiring by purchase, with the consent of the owners thereof, such lands for the purposes aforesaid, and for issuing debentures of the corporation for the amount sufficient to pay such compensation, or purchase money; and any debt incurred under such by-law shall be payable within thirty years from the date of the issue of the debentures, and it shall not be necessary to obtain the consent of the electors to any by-law passed under this sub-section, but a two-thirds vote of the council shall be required. 2 Edw. VII, c. 29, s. 13.

#### DIVISION II. MUNICIPAL ELECTIONS.

*Disqualification of electors for not paying taxes. Sec. 535 (1).*

*Polling Subdivisions—Polling Places—Using Schools. Secs. 535 (2), 536.*

By-laws for,

**535.** By-laws may be passed by the councils of the municipalities and for the purposes in this section respectively mentioned, that is to say :—

#### *Disqualification of Electors not paying Taxes.*

By the councils of townships, cities, towns and villages :—

Disqualifying electors in arrears for taxes.

1. For disqualifying any elector from voting at municipal elections who has not on or before the 14th day of December next preceding the election paid all municipal taxes due by him. *See also Secs. 88, 137 (1) (b), 151 (2) (b).*

#### *Polling Subdivisions.*

Dividing townships and villages and wards of cities or towns into polling subdivisions.

2. For dividing the wards of the city or town, or for dividing the township or village into two or more convenient polling subdivisions, and for establishing polling places therein; and for repealing or varying the same from time to time R.S.O. 1897, c. 223, s. 535.



**536.**—(1) Polling subdivisions shall have well defined boundaries, such as streets, sidelines, concession lines or the like, in the most convenient manner, and in such manner that the number of qualified electors in the several polling subdivisions shall be as nearly equal as may be; and such polling subdivisions shall be made or varied whenever the electors in any polling subdivision in a city having 100,000 inhabitants or more exceed 200, and in other municipalities whenever the electors in any ward, township, village, or polling subdivision exceed 300, and shall be made and varied in such a manner that the number of electors in any polling subdivision shall not exceed at any time 300. R.S.O. 1897, c. 223, s. 536 (1); 63 V., c. 33, s. 25.

Boundaries of  
polling sub-  
divisions, etc

(2) Where a municipality embraces parts of two or more electoral districts, a polling subdivision shall only include territory in one electoral district.

Not to be in  
more than one  
electoral  
district.

(3) Any alteration of existing polling subdivisions, or creation of new polling subdivisions, shall be made before the publication of the voters' lists. R.S.O. 1897, c. 223, s. 536 (2) (3).

Alteration of  
subdivisions.

(4) For the purpose of enabling the council to make the required alterations, the clerk of the municipality, as soon as he finds that the number of qualified voters in a subdivision exceeds 200 in a city having 100,000 inhabitants or more or 300 in any other municipality, shall call the attention of the council to the fact. R.S.O. 1897, c. 223, s. 536 (4); 63 V. c. 33, s. 25.

Duty of clerk  
when  
population  
exceeds limit.

(5) In case, through oversight or from other cause, such alterations have not been made prior to the publication of the voters' lists, the alteration in the polling subdivisions shall be made forthwith thereafter, but shall not take effect until the next voters' lists are being made out, and shall not affect the voting on or with respect to any previous voters' lists. R.S.O. 1897, c. 223, s. 536 (5).

Changes made  
after voters'  
list made up.

(6) Whenever the number of qualified voters in a polling subdivision increases so as to exceed 200 in a city having 100,000 inhabitants or more or 300 in any other municipality or whenever the municipal council consider that the convenience of the electors would be promoted by a new and different subdivision, the city, town, ward, township or village, shall be again in like manner divided into polling subdivisions so as to conform to the intent and meaning of this Act, and so again, from time to time, as like occasion shall require. R.S.O. 1897, c. 223, s. 536, (6); 63 V. c. 33, s. 25.

New subdivi-  
sion to be  
made when  
necessary.

(7) Every division made under this section shall be based upon the then last revised and corrected assessment roll of the city, town, ward, township, or village. R.S.O. 1897, c. 223, s. 536 (7).

Subdivisions  
to be made on  
assessment.

(8) At any time within two months after the filing of the Appeal by-law, an appeal shall lie from any subdivision, at the instance of five of the electors, to the Judge of the County Court, who shall promptly correct the subdivision so as to conform to the true

true

true intent and meaning of this Act, and the procedure in such an appeal shall be that prescribed by section 378 except that no recognizance or deposit shall be required. R.S.O. 1897, c. 223, s. 536 (8); 3 Edw. VII, c. 18, s. 106.

Subdivisions  
to be num-  
bered.

(9) The polling subdivisions shall be numbered consecutively in and by the by-law by which they are established, and a copy of the by-law, certified under the seal of the corporation to be a true and correct copy, and signed by the head or clerk of the municipality, shall be, forthwith after the making thereof, transmitted to and filed in the office of the Clerk of the Peace of the county or union of counties within which the municipality is situate.

Polling sub-  
divisions to be  
the same for  
elections to  
Legislative  
Assembly and  
for municipal  
elections

(10) Where a municipality is divided into polling subdivisions, the same polling subdivisions shall be used both for the election of members of the Legislative Assembly and for municipal elections, except that the municipal council of every city, town or village, may by by-law unite, for the purpose of municipal elections, any two adjoining polling subdivisions.

In certain  
cases clerk  
may choose  
polling place.

(11) Where a polling place has been fixed by by-law for the holding of any election, or for the taking of any vote in any township, city, town or village, and it is afterwards found that the building named as such polling place cannot be obtained, or is unsuitable for the purpose, the clerk of the municipality may choose in lieu thereof as a polling place the nearest available building suitable for the purpose, and he shall post up and keep posted up a notice on the building fixed by the by-law, and in two other conspicuous places near by, directing the voters to the place chosen as aforesaid. R.S.O. 1897, c. 223, s. 536, (7)-(11).

Election not  
to be voided if  
subdivision is  
wrongly  
formed.

(12) An election shall not be irregular or void or voidable, for the reason that a polling subdivision which contains more than the number of voters fixed by subsection (1) of this section has not been divided, provided it does not contain more than 300 voters in the case of a polling subdivision in a city having 100,000 inhabitants, or 400 in the case of a polling subdivision in any other municipality. R.S.O. 1897, c. 223, s. 536, (12). 63 V. c. 33, s. 25.

Uniting  
polling sub-  
divisions in  
certain cities.

(13) The council of any city having a population of 100,000 or over, may, by by-law, amalgamate, for voting at municipal and school trustee elections and upon questions submitted to the electors by the council, two polling subdivisions into one division, with one polling place therefor; and may by such by-law provide that three or less of such polling places shall be in a public school house or public building belonging to or controlled by the municipality in, or conveniently near to, such polling subdivisions.

Payment  
therefor.

(14) Where any school house is so used the council shall forthwith pay to the public school board of the city a sufficient sum to cover any damage to the same and any expense for cleaning or otherwise caused by such use.

(15) No school house shall be so used or taken without the consent of the public school board first had and obtained. Consent of public school board.

(16) The board of commissioners of police or the chief of police for the city shall cause a police constable to attend at each such polling place in a school house or public building where an election is being held, to perform the duties required by this Act of a constable appointed for that purpose by the returning officer. Constable to attend each such polling place. R.S.O., 1897, c. 223, s. 536 (13)-(16).

### DIVISION III.—MUNICIPAL OFFICERS.

*Officers generally.* Sec. 537, (1), (2).

*Overseers of highways and pathmasters.* Sec. 537, (3).

*Inspectors of weeds and thistles.* Sec. 537, (4).

*Corporation surveyor.* Sec. 537, (5).

*Fire wardens, etc.* Sec. 537, (6).

*Engineers—Inspectors of house of industry—gaol surgeons.* Sec. 538, (7).

**537.** By-laws may be passed by the councils of the municipalities and for the purposes in this section respectively mentioned, that is to say: By-laws for,

#### *Appointing certain Officers.*

By the councils of counties, townships, cities, towns and villages:— Appointing certain officers.

#### 1. For appointing such—

Pound-keepers,

Fence-viewers,

Overseers of Highways,

Road Surveyors,

Road Commissioners,

Valuators,

Inspectors of sheep worried or killed by dogs,

and such other officers as are necessary in the affairs of the corporation, or for carrying into effect the provisions of any Act of the Legislature or any by-law of the corporation; and for the removal of such officers.

(a) Nothing in this Act shall prevent any member of a corporation from acting as commissioner, superintendent or overseer, over any road or work undertaken and carried on, in part or in whole, at the expense of the municipality; and it shall be lawful for the municipality to pay such member of the corporation acting as such commissioner, superintendent or overseer. Who may be appointed. Remuneration.

2. For regulating the remuneration, fees, charges and duties of such officers, and the securities to be given for the performance of such duties. Fixing fees, duties and securities.

[See as to appointment of Clerk, sec. 282. Treasurer, sec. 288. Assessors and Collectors, sec. 295. Auditors, sec. 299, in Cities, secs.



secs. 300-303. *Valuators in counties, sec. 310. Harbour master, sec. 562 (7). As to Engineers under "The Ditches and Watercourses Act," see R. S. O. Cap. 285.]*

*Overseers of Highways and Pathmasters.*

By the councils of townships :—

Appointing  
overseers of  
highways.

Powers.

3. For appointing overseers of highways or pathmasters to perform the duty of making and keeping open township roads during the season of sleighing in each year. Such overseers and pathmasters shall have full power to call out persons liable to perform statute labour within their respective municipalities, to assist in keeping open such roads, and they may give to persons so employed certificates of having performed statute labour to the amount of the days' work done; and such persons shall be allowed for such work in their next season's statute labour.

*Inspector of Highways, etc.*

By the councils of cities, townships, towns and villages :—

Inspectors of  
highways.

4. For the appointment of an inspector with power to enforce the provisions of any by-law of the municipality for preventing the growth of Canada thistles and other weeds detrimental to husbandry and compelling the destruction thereof; for regulating his duties, and determining the amount of remuneration, fees or charges he is to receive for the performance of such duties. *See sec. 547 (2) and R.S.O. Cap. 279.*

*[As to Inspectors under "The Yellows and Black Knot Act," see R. S. O. Cap. 280. As to food inspectors, sec. 550 (1). Inspectors under "The Ontario Tree Planting Act," See R. S. O. Cap. 243.]*

*Corporation Surveyor.*

By the councils of cities and towns :—

Corporation  
surveyor.

5. For appointing any Ontario land surveyor to be the corporation surveyor.

*Fire Wardens, Fire Engineers, Firemen, etc.*

By the councils of cities, towns and villages :—

Fire comp  
nies, etc.

6. For appointing fire wardens, fire engineers and firemen and for promoting, establishing, and regulating fire companies, hook-and-ladder companies, and property saving companies.

*[As to inspectors to enforce regulations respecting fires. See Sec. 542 (11).]*

*Engineers—Inspectors—Gaol Surgeons, etc.*

By the councils of counties, cities and separated towns :—

7. For appointing, in addition to other officers, one or more engineers, and also one or more inspectors of the house of industry; also one or more surgeons of the gaol and other institutions under the charge of the municipality; and for the removal of such officers. [And see Sec. 525] R.S.O. 1897, c. 223, s. 537.

[As to *Veterinary Examination of Horses or Stallions*, see R. S. O. Chapter 274. *High Bailiff and Chief Constable in Cities*, see sec. 487. *Constables and Chief Constable in Towns and Villages*, sec. 493. *Constables in Counties and Townships*, sec. 495.]

#### DIVISION IV.—PAYMENT OF MEMBERS OF THE COUNCIL.

*In Townships and Counties.* Sec. 538 (1.)

*In Cities of 100,000 or over.* Sec. 538 (2).

**538.** By-laws may be passed by the councils of the municipalities and for the purposes in this section respectively mentioned, that is to say:

By the councils of counties and townships:—

1. For paying the members of the council for their attendance in council, or for paying any member while attending on committee of the council, at a rate not exceeding \$3 *per diem*, and five cents per mile necessarily travelled (to and from), for such attendance.

Remuneration to councillors and committee men.

By the councils of certain cities:—

2. In cities having a population of 100,000 or over the council may by by-law determine that an annual remuneration, not exceeding \$300, may be paid to aldermen, and that an annual remuneration not exceeding \$100 in addition may be paid to the chairmen of the standing committees and of the Court of Revision and the Local Board of Health, and it shall be thereby provided that in the case of such aldermen or chairmen there shall be deductions from such remuneration on account of absence from meetings of the council or committees or of the Court of Revision or the Local Board of Health. R.S.O., 1897, c. 223, s. 538.

Remuneration of aldermen in certain cities

#### DIVISION V.—AS TO FINANCE.

*Borrowing money for drainage purposes.* Sec. 539 (1).

*Sewer rents.* Sec. 539 (2).

*Reduction of rates on by-laws passed before March 11th 1879.* Sec. 539 (3).

*Guaranteeing debentures.* Sec. 539 (4).

By-laws for,

**539.** By-laws may be passed by the councils of the municipalities and for the purposes in this section respectively mentioned, that is to say :

*Borrowing Money for Drainage Purposes.*

Drainage.

By the councils of townships, towns and villages :—

Rev. Stat. c.  
41.

1. For borrowing money and issuing debentures therefor, for the purpose and subject to the provisions of the *The Tile, Stone and Timber Drainage Act*. R.S.O., 1897, c. 223, s. 539, par. 1.

*Sewer Rents.*

Charging rent  
for sewers.

By the councils of cities, towns and villages :—

2. For charging all persons who own or occupy property which is drained into a common sewer, or which by any by-law of the council is required to be drained into such sewer, with a reasonable rent for the use of the same ; and for regulating the time or times and manner in which the same is to be paid and to provide for the payment of a commutation of such rent or for charging a gross sum in lieu of rent and for the payment of such commutation or gross sum either in cash or by instalments with interest. R.S.O., 1897, c. 223, s. 539, par. 2 ; 1 Edw. VII. c. 26, s. 18 ; 2 Edw. VII. c. 29, s. 14.

*Reduction of Sinking Fund Rate on by-laws passed before March 11th. 1879.*

Reduction of  
sinking fund.

By the councils of townships, cities, towns and villages :—

3. For authorizing the reduction of the annual sinking fund rate, or amount required to be collected under local improvement by-laws passed by the council prior to the 11th day of March, 1879 ; and for making allowance for the interest accrued from the investment of the amounts of sinking fund theretofore collected under such by-laws.

Provided that in settling the sum to be raised annually for the remaining years which any such by-law has to run for the payment of the debt, in lieu of the sinking fund rate fixed by the original by-law, the rate of interest on future investments shall not be estimated at more than four per cent. per annum, to be capitalized yearly.

Provided also that no by-law reducing the sinking fund rates fixed by any such local improvement by-law shall become valid or effectual until assented to by the Lieutenant-Governor in Council. R.S.O., 1897, c. 223, s. 539, par. 3. ; 62 V. (1) c. 2., Sched. (9).

*Guaranteeing Debentures.*

By the councils of counties :—



4. For guaranteeing debentures of any municipality with-  
in the county, as the council may deem expedient. R.S.O., <sup>Guaranteeing</sup> debentures.  
1897, c. 223, s. 539, par. 4.

## DIVISION VI.—PROTECTION OF LIFE AND PROPERTY.

### *Sub-Division I.—Prevention of Accidents, etc.*

*Dogs running at large.* Sec. 540 (1) (2).

*Tax on dogs.* Sec. 540 (3).

*Cruelty to animals.* Sec. 540 (4).

*Children running behind vehicles.* Sec. 540 (5).

*Tobogganing.* Sec. 540 (6).

*Bicycles.* Sec. 540 (7).

**540.** By-laws may be passed by the councils of the muni-  
cipalities or Boards of Commissioners of Police and for the pur-  
poses in this section respectively mentioned, that is to say ;

### *Dogs.*

By the councils of townships, towns and villages, and of cities having less than 100,000 inhabitants, and by the Board of Commissioners of Police in cities having 100,000 inhabitants or more :

1. For restraining and regulating the running at large of dogs ; and for seizing, and impounding dogs running at large contrary to the by-laws ; and for selling the dogs so impounded or any of them at such time or times and in such manner as may be directed by any by-law in that behalf.

*Regulations as to dogs.*

2. For killing dogs running at large contrary to the by-laws.

*Killing dogs.*

(a) For the purposes of the two next preceding paragraphs a dog shall be deemed to be running at large when found in a street or other public place and not under the control of any person. R.S.O. 1897, c. 223, s. 540, pars. 1-2 ; 3 Edw. VII., c. 18, s. 107.

3. For imposing a tax on the owners, possessors or harbourers of dogs.

*Tax for dogs.*

### *Cruelty to Animals.*

By the councils of townships, cities, towns and villages :—

4. For preventing cruelty to animals ; and for preventing the destruction of birds ; the by-laws for these purposes not being inconsistent with any statute in that behalf. R. S. O. 1897, c. 223, s. 540. pars. 3, 4.

*Preventing cruelty to animals, and destruction of birds.*

### *Children Riding behind Vehicles.*

By the councils of cities, towns and villages :—

Preventing  
children from  
riding behind  
waggons, etc.

5. For preventing children from riding on the platforms of cars, or behind waggons and other vehicles, or from jumping on to sleighs or conveyances of any kind while in motion, and for preventing accidents arising from such causes. R. S. O., c. 223, s. 540, par. 5 ; 3 Edw. VII., c. 18, s. 108.

Coasting and  
tobogganing.

6. For prohibiting or regulating the practice of coasting or tobogganing on the public streets. R.S.O., 1897, c. 223, s. 540, par. 1-6.

### *Bicycles.*

By the councils of cities and towns.

Regulating  
bicycles.

7. For regulating and governing (but not licensing) persons using bicycles and other vehicles not drawn by horses. R.S.O., 1897, c. 223, s. 540, par. 7 ; 1 Edw. VII. c. 26, s. 19.

[*As to Vestibules for Motormen on Electric Street Railways. See sec. 569 (4).*]

[*As to leading, riding or driving Horses or Cattle on Sidewalks. See. s. 559 (9).*]

[*As to racing or immoderate or dangerous driving on Highways or Bridges. See. s. 559 (8).*]

## DIVISION VI.—PROTECTION OF LIFE AND PROPERTY.

*Sub-Division II.—Erection of buildings, hoists and elevators.*

*Erection of buildings, scaffolding. Sec. 541 (1).*

do. do. *Egress from, etc. Sec. 541 (2) (3).*

do. do. *Size and strength of walls, etc. Sec. 541 (4).*

*Hoists and elevators. Sec. 541 (5) (6).*

By-laws for,

**541.** By-laws may be passed by the councils of the municipalities and for the purposes in this section respectively mentioned, that is to say ;

By the councils of townships, cities, towns and villages ;—

Construction  
of hoists,  
scaffolding,  
etc.

1. For inspecting and regulating the construction and erection of hoists, scaffoldings and other constructions used in erecting, repairing, altering or improving buildings, chimneys, or other structures ; and for making all necessary regulations for the protection and safety of workmen and other persons employed thereon ; and for appointing inspectors of scaffolding.

*Egress*

*Egress from and Construction of Buildings.*

By the councils of counties, townships, cities, towns and villages :—

2. For regulating the size and number of doors in churches, theatres, halls, or other buildings used for places of worship, public meetings or places of amusement, and the street gates leading thereto ; and the construction and width of stairways in churches, theatres, halls or other places used for public worship, public meetings or places of amusement, and in factories, warehouses, hotels, boarding and lodging-houses ; and also the size and number of doors, halls, stairs and other means of egress from all hospitals, schools, colleges and other buildings of a like nature, and also the structure of stairs and stair-railings in all such buildings, and the strength of walls, beams and joists and their supports, and for compelling the production of the plans of all such buildings for inspection and for enforcing observance of such regulations. (*See R.S.O. Cap. 263.*)

Doors of public buildings.

3. For preventing the obstruction of the halls, aisles, passage-ways, alleys or approaches in any such buildings or leading thereto during the occupation of the same by any public assemblage.

Regulating means of egress, etc., from public buildings.

(a) During the time that any church, theatre, hall, or other building situated in any city or town and used for a place of worship, public meeting or place of amusement is occupied by an assemblage of persons, the chief constable or any police officer or member of the police force of the city or town may enter any such church or other building to see that the by-laws of the municipality for preventing the obstruction of the halls, aisles, passage-ways, alleys or approaches in such building or leading thereto are not being violated, and to require the removal therefrom of any obstructions which may be placed in such halls, aisles, passage-ways, alleys or approaches thereto.

Powers of police officers as to seeing that by-laws enforced.

4. For regulating the size and strength of brick walls, beams, joists, rafters, roofs and their supports of all buildings to be erected or repaired within the municipality, and for compelling the production of the plans of all buildings for inspection : and for enforcing observance of such regulations.

Size and strength of walls, etc., and production of plans.

*Hoists and Elevators.*

5. For licensing and inspecting elevators and hoists for passengers or freight, used by the public or by employees, and for imposing and enforcing penalties for infringement of such by-laws, and for prohibiting and preventing the use of elevators or hoists contrary to the provisions of such by-law. But the provisions in this clause contained shall be subject to those of *The Ontario Factories Act* and of any other Act making provisions applicable to elevators and hoists.

Licensing and inspecting hoists, elevators, etc.

Rev. Stat. c. 256.

By



By the councils of cities, towns and villages:—

Erection of  
hoists and  
elevators.

Rev. Stat.  
c. 256.

6. For regulating the construction of cranes, hoists and elevators, and for determining the manner in which elevators in buildings shall be constructed and worked (whether automatically or otherwise) and for providing for the inspection of all cranes, hoists and elevators: but none of the provisions of such by-laws shall be inconsistent with *The Ontario Factories Act* so far as the same provides for the regulation or construction of cranes, hoists and elevators. R.S.O., 1897, c. 223, s. 541.

## DIVISION VI.—PROTECTION OF LIFE AND PROPERTY.

### *Sub-Division III.—Prevention of Fires.*

*Regulating erection of buildings.* Sec. 542 (1a).

*Preventing erection of wooden buildings and fences*  
Sec. 542 (1b.)

*Establishing fire limits.* Sec. 542 (1b), (1c.)

*Repairs of existing buildings.* Sec. 542 (1d.)

*Pulling down buildings, etc., illegally erected.* Sec. 542 (1c.)

*Fire and lights.* Sec. 542 (2).

*Dangerous trades.* Sec. 542 (3).

*Inspection of electric wires, etc.* Sec. 542 (3a).

*Chimneys, ovens, boilers, etc.* Sec. 542 (4).

*Cleaning chimneys.* Sec. 542 (5.)

*Safe-keeping of ashes.* Sec. 542 (6.)

*Party walls.* Sec. 542 (7.)

*Scuttles, stairs and ladders.* Sec. 542 (8.)

*Fire protection.* Sec. 542 (9.)

*Fire buckets.* Sec. 542 (10.)

*Inspection of premises.* Sec. 542 (11.)

*Pulling down buildings.* Sec. 542 (12)

*Assistance of inhabitants at fires, etc.* Sec. 542 (13.)

*Fire escapes.* Sec. 542 (14) (15.)

*Burning stumps, etc.* Sec. 542 (16.)

*Storing and transporting gunpowder.* Sec. 542 (17.)

*Portable steam engines.* Sec. 542 (18) (19.)

*Fire limits in unincorporated villages.* Sec. 542 (a).

*Water for fire purposes.* Sec. 543.

*Fire engines and water therefor.* Sec. 544.

By-laws for,

**542.** By-laws may be passed by the councils of the municipalities and for the purposes in this section respectively mentioned, that is to say :

By the councils of cities, towns and villages :—

Erection of  
buildings, etc.

1. (a) For regulating the erection of buildings ;

(b) For preventing the erection of wooden buildings, or additions thereto, and of wooden fences in specified parts of the city, town, or village ;

(c)

(c) For prohibiting the erection or placing of buildings, other than with main walls of brick, iron or stone, and roofing of incombustible material within defined areas of the city, town or village ;

(d) For regulating the repairing or alteration of roofs or external walls of existing buildings within the said areas, so that the said buildings may be made more nearly fire-proof ;

Repairs to existing buildings.

(e) For authorizing the pulling down or removal, at the expense of the owner thereof, of any building or erection which may be constructed repaired or placed in contravention of any by-law.

Pulling down, etc., buildings illegally erected.

2. For preventing or regulating the use of fire or lights in stables, cabinet makers' shops, carpenters' shops, and combustible places.

Fire in stables, etc.

3 For preventing or regulating the carrying on of manufactories or trades dangerous in causing or promoting fire. R.S.O., 1897, c. 223, s. 542, pars. 1-3.

Dangerous manufactories.

3. (a) For inspecting wires and other apparatus used or installed for the transmission of electricity for purposes of light or power along the public streets or highways or upon or in any building in the municipality. 1 Edw. VII. c. 26, s. 20.

Inspecting and regulating electric wires, etc.

4. For preventing, and for removing, or for regulating the construction of any chimney, flue, fire-place, stove, oven, boiler, or other apparatus or thing which may be dangerous in causing or promoting fire.

Chimneys, stoves, etc.

5. For regulating the construction of chimneys as to dimensions and otherwise, and for enforcing the proper cleaning of the same.

Regulating construction, etc., of chimneys.

6. For regulating the mode of removal and safe keeping of ashes.

Ashes.

7. For regulating and enforcing the erection of party walls.

Party walls.

8. For compelling the owners and occupants of houses to have scuttles in the roof thereof, with approaches ; or stairs or ladders leading to the roof.

Scuttles, ladders, etc., to houses.

9. For causing buildings and yards to be put in other respects into a safe condition to guard against fire or other dangerous risk or accident.

Guarding buildings against fire.

10. For requiring the inhabitants to provide as many fire buckets, in such manner and time as may be prescribed ; and for regulating the examination of them, and the use of them at fires.

Fire buckets.

11. For authorizing appointed officers to enter at all reasonable times upon any property subject to the regulations of the council, in order to ascertain whether such regulations are obeyed, and to enforce or carry into effect the same.

Inspection of premises.

Preventing  
spreading of  
fire.

12. For making regulations for suppressing fires: and for pulling down or demolishing adjacent houses or other erections, when necessary to prevent the spreading of fire.

Enforcing  
assistance at  
fires.

13. For regulating the conduct, and enforcing the assistance of the inhabitants present at fires: and for the preservation of property at fires.

By the councils of townships, cities, towns and villages:—

Providing  
against  
accidents by  
fire.

14 For making provision

(a) For securing the inmates and employees in all factories, hotels, boarding and lodging houses, warehouses, theatres, music halls, opera houses and other public buildings and places of amusement, against accident by fire;

(b) For the adoption and erection of proper fire escapes upon all such buildings more than two storeys in height. R.S.O., 1897, c. 223, s. 542, pars. 4-14.

Compelling  
use of fire  
escapes.

15. (a) For compelling the owners of, and other persons interested in all buildings more than two storeys in height (except private dwellings and buildings in respect of which provision is made for requiring the construction of fire escapes thereon or in connection therewith in *The Ontario Factories Act*, *The Ontario Shops Regulation Act* or *The Act for the Prevention of Accidents by Fire in Hotels and other like Buildings*, or any other Act of the Legislature now in force or hereafter to be passed) to provide proper fire escapes thereon;

(b) For preventing the occupation of such buildings unless such fire escapes are provided. R.S.O., 1897, c. 223, s. 542, par. 15; 62 V. (1) c. 2, Sched. (10).

Rev. Stat.  
cc. 256, 257  
264.

### *Burning Stumps, Brush, etc.*

By the councils of townships, cities, towns and villages:

Regulating the  
burning of  
stumps, trees,  
brush, etc.

16. For regulating the times during which stumps, wood logs, trees, brush, straw, shavings, or refuse, may be set on fire or burned in the open air, and for prescribing precautions to be observed during such times: and for preventing such fires from being kindled at other times. *See also R.S.O. Cap. 268.*

### *Storing and Transporting Gunpowder.*

Storing and  
transportation  
of gunpowder.

17. For regulating the keeping and transporting of gunpowder and other combustible or dangerous materials; for regulating and providing for the support by fees, of magazines for storing gunpowder belonging to private persons; for compelling persons to store therein; for acquiring land, as well within as without the municipality, for the purpose of erecting powder magazines; and for the selling and conveying such land when no longer required therefor. R.S.O., 1897, c. 223, s. 542, pars. 16, 17.



17a. For limiting the quantity of gunpowder or of any other explosive substance to be kept in any place other than a powder magazine, and to regulate the manner in which such gunpowder or other explosive substance must be stored ; Storing explosives.

17b. For regulating the establishment within the municipality of factories or other places for the manufacture or storage of gunpowder or any explosive substance, and for providing for the submission of plans of the premises in which it is proposed to carry on such manufacture or storage and their approval by the council before the business of manufacturing or storing is commenced, and for making regulations respecting the walls or fences by which such buildings are to be surrounded at a fixed height and distance, and for regulating the distance from any other building at which such manufacture or storage may be carried on ; Regulating the establishment of factories for explosives, etc.

17c. For regulating the carrying on of the business of manufacturing or storing gunpowder or any explosive in the municipality, whether such business has been heretofore or shall be hereafter established, and for providing for the precautions to be taken for the prevention of accidents arising therefrom ; Regulating business of manufacturing and storing explosives.

17d. For granting licenses for carrying on the business of manufacturing or storing of gunpowder or other explosive substance in quantities of more than twenty-five pounds and for providing for the length of time, not exceeding five years, during which such license shall be in force, and that the renewal of the same shall be in the discretion of the council, but no license fee imposed under this section shall exceed the sum of \$25 per month for every month during which the business is carried on. 62 V. (2) c. 26, s. 34. Licensing manufacturers and storage of explosives.

17e. For regulating the keeping and storing of gasoline, for prescribing the materials of which vessels containing the same shall be composed and the classes of buildings in which the same may be stored and kept for sale, and for the prevention of accidents from the combustion or explosion of gasoline. 2 Edw. VII. c. 29, s. 15. Keeping and storing of gasoline.

### *Portable Steam Engines.*

By the councils of townships :—

18. For fixing the distance from any public highway within the municipality within which unenclosed portable steam engines may not be used for running a saw-mill or shingle mill ; and for preventing the use of the same for either of such purposes within such distance. Portable steam engines.

19. For imposing penalties on persons setting up or operating a portable steam-engine for either of such purposes in contravention of such by-law. R.S.O. 1897, c. 223, s. 542, pars. 18, 19. Penalties.

*Fire*

*Fire Limits in Unincorporated Villages.*

Establishment of fire limits in unincorporated villages.

**542a.** The council of any township may by by-law set apart any unincorporated village or settlement and its immediate neighborhood in the township, and may pass by-laws applicable within the limits of the territory so set apart for any or all of the purposes mentioned in subsection 1 of section 542 of this Act. 62 V. (2) c. 26, s. 33.

*Water for Fire Purposes.*

Council may contract for supply of water.

**543.** Every municipal council shall have power to contract for a supply of water within the municipality for fire purposes and other public uses, from hydrants or otherwise as may be deemed advisable; and for the renting of such hydrants for any number of years not, in the first instance, exceeding ten; and for renewing such contract from time to time for such period, not exceeding ten years, as the council may desire; and every council shall also have power to purchase hydrants necessary for any of the purposes or uses aforesaid; and also to erect the same; and to purchase or rent for a term of years or otherwise, fire apparatus of any kind, and fire appliances and appurtenances belonging thereto respectively. R.S.O., 1897, c. 223, s. 543. See sec. 566.

*Fire Engines and Water therefor.*

Fire protection in defined area in towns or incorporated villages.

**544.**—(1) Upon a petition of a majority of the ratepayers entitled to vote on money by-laws in any defined area or portion of a town or village representing in value more than one-half of the assessed real property within such portion or area, the council of every town and village may pass a by-law or by-laws for the purchase of a fire engine and other appliances, and the supply of water therefor, for the purposes of fire protection; and they may by the same or any subsequent by-law define, by metes and bounds or otherwise, what real property within such area will be benefited by the proposed fire protection and is to be charged with the cost thereof; and may also by such by-law or any subsequent by-law, make provision for assessing and levying on the real property so defined by the by-law the cost of managing and maintaining the said fire engine and appliances and of providing the necessary water supply.

Issuing debentures.

(2) Debentures issued under this section shall be issued in conformity with section 386 of this Act.

Cost of such engine, etc.

(3) The said council may levy in any one year upon the real property to be benefited the cost of such engine and appliances and of the water supply, or may issue the debentures of the town or village payable in annual proportions during a period not

not exceeding ten years, with interest as to the said council may seem meet and proper; and may levy the amount payable thereon from time to time upon the real property to be benefited as aforesaid.

(4) It shall not be necessary to submit any of the said by-laws to a vote of the electors, nor to comply with the formalities required only for the purposes of such submission. Assent of electors not required.  
R.S.O., 1897, c. 223, s. 544.

## DIVISION VI.—PROTECTION OF PROPERTY.

### *Sub-Division IV—Fences.*

*Enclosure of vacant lots.* Sec. 545 (1).

*Lawful fences.* Sec. 545 (2).

*Division fences.* Sec. 545 (3).

*Barbed wire fences.* Sec. 545 (4).

*Snow fences.* Sec. 545 (5).

*Water gates.* Sec. 545 (6).

*Marking boundaries of marsh lands.* Sec. 545 (7).

*Powers of counties as to fences.* Sec. 545 (8).

**545.** By-laws may be passed by the councils of the municipalities and for the purposes in this section respectively mentioned, that is to say: By-laws for,

### *Enclosure of Vacant Lots.*

By the councils of cities, towns, and villages:—

Vacant lots.

1. For causing vacant lots to be properly enclosed.

### *Fences.*

By the councils of townships, cities, towns, and villages:— Fences.

2. For settling the height and description of lawful fences, and for regulating and settling the height, description and manner of maintaining, keeping up and laying down fences along highways or any part or parts thereof; and for making compensation for the increased expenses, if any, to persons required so to maintain, keep up or lay down such last mentioned fences or any part thereof. R. S. O. 1897, c. 223, s. 545, pars. 1, 2.

### *Division Fences.*

3. For regulating the height, extent and description of lawful division fences; and for determining how the cost thereof shall be apportioned; and for directing that any amount so apportioned



Provisions  
until by-laws  
made. Rev.  
Stat. c. 284.

apportioned shall be recovered in the same manner as penalties not otherwise provided for may be recovered under this Act; but until such by-laws are made, *The Line Fences Act* shall continue applicable to the municipality. R.S.O. 1897, c. 223, s. 545, par. 3.

### *Barbed Wire Fences.*

Barbed wire  
fences.

4. For providing proper and sufficient protection against injury to persons or animals by fences constructed wholly or in part of barbed wire or any other material; and in towns and cities for wholly prohibiting the construction or erection, along streets and public places, of fences made wholly or in part of barbed wire or any other barbed material.

### *Snow Fences.*

Snow fences.

Rev. Stat. c.  
240.

5. For requiring the owners or occupiers of lands bordering upon any public highway, to take down, alter, or remove any fence or fences, subject to the provisions of *The Act respecting Snow Fences*.

### *Water Gates.*

Water-  
courses.

6. For compelling the owners of lands through which any open drain or water-course passes to erect and keep up water gates where fences cross such drain or water course.

### *Boundaries of Marsh Lands.*

By the councils of townships:—

Boundaries of  
marsh lands.

Rev. Stat.  
c. 120.

7. For declaring that in the case of any lands, the boundary line, or any part of the boundary line whereof passes through a marsh or swamp, or any land covered with water, the same shall, so far as respects that part of such boundary line which so passes through a marsh or swamp, or land covered with water, be deemed to be wholly enclosed within the meaning of section 1 of *The Act respecting Petty Trespasses*, if posts are put up and maintained along such part of such line at distances which will permit of each being clearly visible from the adjoining post.

### *Fences.*

By the councils of counties:—

Fences.

8. For the exercise, in respect of fences along highways, or parts thereof which it is the duty of the council to maintain, of the powers conferred upon the councils of townships, cities, towns and villages, by subsections 2 and 5 of this section.

(a)

- (a) The council of every county shall be deemed and held to have had and possessed on, from, and since the first day of February, 1883, the powers conferred by the preceding clause 8, and also the power to assist, aid, and compensate, either by payment of money or otherwise, any owner or occupier of land bordering upon any public highway within the county, for the taking down, altering or removing any fence or fences, which in the opinion of the council would be likely to cause such an accumulation of snow or drift as would impede or obstruct travel on such highway or any part thereof, or for the erection and construction of some other description of fence, approved of, or designated by the council, and subject to such terms and conditions in that behalf as by such council may be fixed and prescribed. R. S. O. 1897, c. 223, s. 545, pars. 4-8.

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## DIVISION VI.—PROTECTION OF PROPERTY.

### *Sub-Division V.—Pounds. Sec. 546.*

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#### *Pounds, etc.*

**546.** The council of every township, city, town and village, may pass by-laws (not inconsistent with the Statutes of Canada respecting Cruelty to Animals):— By-laws for

1. For providing sufficient yards and enclosures for the safe keeping of such animals as it may be the duty of the pound-keeper to impound. Providing pounds.

2. For restraining and regulating the running at large or trespassing of any animals, and for providing for impounding them; and for causing them to be sold, in case they are not claimed within a reasonable time, or in case the damages, fines and expenses are not paid according to law. Animals running at large.

3. For appraising the damages to be paid by the owners of animals impounded for trespassing, contrary to the laws of Ontario or of the municipality. Appraising the damages.

4. For determining the compensation to be allowed for services rendered in carrying out the provisions of any Act, with respect to animals impounded or distrained and detained in the possession of the distrainer. R.S.O. 1897, c. 223, s. 546. Compensation with respect to impounding animals.  
*See R.S.O. Cap. 272.*

## DIVISION VI.—PROTECTION OF PROPERTY.

*Sub-Division VI.—Miscellaneous.**Protection of graves. Sec. 547 (1).**Weeds and Canada thistles. Sec. 547 (2).**Shade and ornamental trees. Sec. 547 (3).**Posters. Sec. 547 (3).**Sign boards and notices. Sec. 547 (4).**Protection of booms. Sec. 547 (5).*

By-laws for

**547.** By-laws may be passed by the councils of the municipalities and for the purposes in this section respectively mentioned, that is to say ;

*Protection of Graves.*

By the councils of townships, cities, towns and villages :—

Protecting graves.

1. For preventing the violation of cemeteries, graves, tombs, tombstones, or vaults where the dead are interred.

*Weeds.*

Prevention of growth of thistles and weeds.

2. For preventing the growth of Canada thistles and other weeds detrimental to husbandry and for compelling the destruction thereof. *See also R.S.O. Cap. 279.*

*Shade, etc. Trees.—Posters.*

Ornamental trees.

3. For preventing the injuring or destroying of trees or shrubs planted or preserved for shade or ornament.

Posters.

4. For preventing the defacing of private or other property by printed or other notices.

Signs and notices.

5. For preventing the pulling down or defacing of sign-boards, or of printed or written notices lawfully affixed.

*Protecting Booms.*

By the councils of counties :—

Protecting booms.

6. For protecting and regulating booms on any stream or river for the safe keeping of timber, saw-logs and staves within the municipality. *R.S.O. 1897, c. 223, s. 547.*

## DIVISION VI.—PROTECTION OF LIFE AND PROPERTY.

*Sub-Division VII.—Police and Night watchmen.**Police. Sec. 548 (1).**Night watchmen. Sec. 548 (2).*



**548.** By-laws may be passed by the councils of the municipalities and for the purposes in this section respectively mentioned, that is to say ; By-laws for,

*Police.*

By the councils of cities and towns :—

1. For establishing, regulating and maintaining a police Police.  
but subject to the other provisions of this Act.

*Night Watchmen.*

By the councils of cities, towns and villages :—

2 For appointing employing and paying a night-watchman or watchmen, for the purpose of patrolling at night or between certain hours of the night, any street or any portion thereof within the municipality to be defined by such by-law, and of guarding and protecting the property, real and personal, within the limits thereby defined. Appointment of night-watchmen.

- (a) For levying in the same manner and at the same time as payment of the other rates or taxes within the municipality is enforced, by special rate upon all the real property within the limits defined by the by-law, except vacant lots, all the expenses of or incidental to such employment of such night-watchman or watchmen. Special rate to be levied.

- (b) No such by-law shall be passed except upon petition therefor by two-thirds of the freeholders and householders who, upon the passing thereof, would become liable to be charged with the expenses to be incurred thereunder, and who represent in value at least two-thirds of the assessed real property on the street or portion thereof liable to be charged with such expenses. Petition by ratepayers.

- (c) No such petition shall be received or acted on by the council unless, and until all the signatures thereon are proved by the affidavit of a reliable and competent witness to be the genuine signatures of the persons whose signatures they purport to be, and that the contents thereof were made known to each person signing the same before signature. Proof of signatures.

- (d) As between the landlord and tenant of any premises comprised within the limits defined by the by-law, the tenant shall be liable for the expenses to be levied thereunder, for the period or time of his occupation, unless there is an express agreement to the contrary. R.S.O. 1897, c. 223, s. 548. Liability of tenant.

## DIVISION VII.—PUBLIC MORALS.

*Indecent placards, etc., on walls and fences. Sec. 549, (1).*

*Vice, drunkenness, profanity, etc. Sec. 549, (2).*

*Disorderly and bawdy houses. Sec. 549, (3).*

*Gambling houses, faro-banks, roulette tables, etc. Sec. 549, (4)*

*Horse racing. Sec. 549, (5).*

*Vagrants and persons drunk or disorderly in public. Sec. 549, (6).*

*Indecent exposure. Sec. 549, (7).*

*Bathing in public water. Sec. 549, (8).*

*Immoral plays. Sec. 549 (8a).*

*Giving liquor to minors. Sec. 549, (9).*

*Sparring exhibitions. Sec. 549 (9a).*

*Inspection of bathing- and boat-houses. Sec. 549, (10).*

By-laws for, **549.** By-laws may be passed by the councils of the municipalities and for the purposes in this section respectively mentioned, that is to say :

*Public Morals.*

By the councils of townships, cities, towns and villages :—

- |                            |   |
|----------------------------|---|
| Indecent placards, etc.    | 1. For preventing the posting or exhibiting of placards, play bills, posters, writings or pictures which are indecent or may tend to corrupt or demoralize the public or individuals, or the writing of words which are indecent or may tend to corrupt or demoralize the public or individuals, or the making of pictures or drawings, which are indecent or may tend to corrupt or demoralize the public or individuals on walls or fences or elsewhere in streets or public places. 3 Edw. VII. c. 18, s. 109. |
| Vice, drunkenness etc.     | 2. For preventing vice, drunkenness, profane swearing, obscene, blasphemous or grossly insulting language, and other immorality and indecency.  |
| Lewdness.                  | 3. For suppressing disorderly houses and houses of ill-fame.  |
| Gaming.                    | 4. For suppressing gambling houses, and for seizing and destroying faro-banks, rouge et noir, roulette tables, and other devices for gambling found therein.  |
| Horse-racing.<br>Vagrants. | 5. For preventing horse racing.   |
| Release without trial      | 6. For restraining and punishing vagrants, mendicants and persons found drunk or disorderly in any street, highway or public place; and in cities and towns any such by-law may provide that the chief constable of the municipality, or the inspector or other member of the police force in charge of any police station to which any person is brought on the charge of being  |

being drunk without being disorderly, may release such person without bringing him before a Justice of the Peace or Police Magistrate.

of persons  
arrested for  
drunkenness.

Indecent ex-  
posure.

7. For preventing indecent public exposure of the person, and other indecent exhibitions.

Bathing.

8. For preventing or regulating the bathing or washing the person in any public water in or near the municipality. R.S.O. 1897, c. 223, s. 549, par. 2-8.

8a. For preventing the production or giving of any immoral or indecent play, sketch or performance in any theatre, hall or other public place of amusement or entertainment. It shall be lawful for any such by-law, in addition to any penalty lawfully imposed, to authorize the chief of police, the deputy chief of police, or any officer specially detailed for that purpose, upon the written instructions of the chairman of the board of police commissioners, to enter any theatre, hall or other place of public amusement or entertainment, and if at the request of such chief of police, deputy chief of police or other officer so detailed as aforesaid, such immoral or indecent play, sketch or performance is not forthwith stopped, to apprehend the performer or performers without warrant, and carry him, her or them as soon as practicable before a justice of the peace. 1 Edw. VII, c. 26, s. 21.

Immoral  
plays in  
theatres.

### *Giving Intoxicating Liquors to Minors, etc.*

9. For preventing the sale or gift of intoxicating drink to a child, apprentice or servant, without the consent of a parent, master or legal protector. R.S.O. 1897, c. 223, s. 549, par. 9.

Sale of intoxi-  
cating drink  
to children,  
etc.

### *Sparring Exhibitions, etc.*

9a. For preventing the holding of sparring exhibitions and boxing matches, where an admission fee is charged, unless a permit therefor is issued by the chief of police in cities and towns, or by the reeve in municipalities in which there is no chief of police. 63 V. c. 33, s. 27.

Sparring  
exhibitions  
and boxing  
matches.

### *Inspection of Bathing and Boat-Houses.*

By the councils of cities, towns and villages :—

10. For inspecting public bathing-houses and boat-houses or premises wholly or partly used for boat-house purposes; and for preventing the use thereof for illegal or immoral purposes; R.S.O. 1897, c. 223, s. 549, par. 10.

Inspection of  
bathing and  
boat houses.

[As to prohibiting children being on the streets at night without proper guardianship, etc., see R.S.O. Cap. 259, s. 21.]

DIVISION



## DIVISION VIII.—PUBLIC HEALTH.

*Sub.-Division I.—Food and Drink.*

*Inspection of milk, meat, etc. Sec. 550 (1).*

*Seizing and destroying if unfit for food. Sec. 550 (2).*

*Seizing carcasses of cattle unfit for food. Sec. 550 (3).*

*Bread made of deleterious materials. Seizing, etc. Sec. 550 (4).*

*Pure well-water, examining. 550 (5).*

*" " "compelling use of. Sec. 550 (6).*

By-laws for, **550.** By-laws may be passed by the councils of the municipalities and for the purposes in this section respectively mentioned, that is to say:

By the councils of townships, cities, towns and villages:—

Inspection of milk and provisions.

1. For appointing inspectors, and for providing for the inspection of milk, meat, poultry, fish and other natural products offered for sale for human food or drink, whether on the streets or in public places, or in shops.

Tainted provisions.

2. For seizing and destroying all tainted and unwholesome meat, poultry, fish, or other articles of food.

*[And as to inspection of meat and milk supplies in cities and towns. See R. S. O., Cap. 250.]*

*And as to frauds in sale of milk in cities and towns. See R. S. O., Cap. 252.]*

By the councils of cities having 100,000 inhabitants or more:—

Seizure of cattle, etc., unfit for human food.

3. For authorizing the seizure of unslaughtered cattle, sheep, calves and hogs which have died on any railway car, or on any market, or within the municipality, in order to prevent such animals from being used as food, and for disposing of the carcasses of such animals in such a way as not to produce any harm to the public health, and to secure to the owner such value as remains over and above the expenses incurred in disposing of such carcasses.

By the councils of townships, cities, towns and villages:—

Bread.

4. For preventing the use of deleterious materials in making bread; and for providing for the seizure and forfeiture of bread made contrary to the by-law. *See also Sec. 580 (11).*

By-laws for cleansing wells, etc.

5. For establishing, protecting, regulating and cleansing public and private wells, reservoirs and other public and private conveniences for the supply of water; and for closing public and private wells; for preventing the fouling of the same and the wasting of water therein or therefrom; for procuring an analysis of such water, and for providing for the payment

ment of the expense thereof, and for making reasonable charges for the use of public water.

6. For compelling the use of water, supplied by the water-works of the city, town, township or village, for drinking and domestic purposes, within certain areas to be defined by by-law; and for prohibiting the use of spring or well water within such areas for such purposes. R.S.O. 1897, c. 223, s. 550. For compelling use of water supply.

## DIVISION VIII.—PUBLIC HEALTH.

### *Sub-Division II.—Sanitary Measures.*

*Drainage of cellars, privies, etc.* Sec. 551 (1), (2), (3).

*Filling up water-closets, privies, etc.* *Cleaning earth closets.*

Sec. 551 (4) (4a).

*Dry earth closets.* Sec. 551 (5).

*Lavatories and urinals,* Sec. 552.

*Dwellings on narrow streets.* Sec. 553 (1).

*Contagious diseases, reports and precautions to prevent spread of.* Sec. 553 (2).

*Interments.* Sec. 553 (3).

*Spitting on sidewalks, etc.,* 553 (4).

**551.** By-laws may be passed by the councils of the municipalities and for the purposes in this section respectively mentioned, that is to say: By-laws for,

### *Drainage of Cellars, Privies, etc.*

By the councils of townships, cities, towns and villages:—

1. For regulating the construction of cellars, sinks, cess-pools, water-closets, earth closets, privies and privy vaults; and for compelling and regulating the manner of draining, cleaning, clearing, and disposing of the contents of the same. Construction of cellars, drains, etc.

2. For compelling or regulating the filling up, draining, cleaning, clearing, altering, relaying or repairing of any grounds, yards, vacant lots and private drains. Filling up, draining, etc., grounds, yards, etc.

3. For making any other regulations for sewerage or drainage that may be deemed necessary for sanitary purposes. Regulations for sewerage, etc.

*And see as to obstruction of drains, etc.* Sec. 562 (11).

### *Filling up Water-Closets, Privy Vaults, etc.*

4 For compelling owners, lessees and occupants of real property within any defined area to fill up or close any water-closets, privies, privy-vaults, wells or cess-pools, the continuance of Closing and filling up cess-pools, etc.

of which may, in the judgment of the council, be dangerous to health. R.S.O. 1897, c. 223, s. 551, pars. 1-4.

Cleaning  
earth closets,  
etc.

4a. For directing and regulating the payment by the owners, lessees or occupants of real property of the expense of cleaning and disposing of the contents of earth closets, privies and privy vaults, and of adding such expense to the collectors' bill, and collecting the same in like manner and with other municipal taxes.

4b. A municipality may undertake the work in the last subsection referred to, as a municipal service, and in such event the said work shall be done exclusively by the officers and workmen employed by such municipality, in such service, and the municipality, its officers and workmen shall, in such case, have all the powers and authorities conferred upon the local board of health and its officers and workmen.

4c. A municipality may provide, by the same or any other by-law, for the collection in any other manner than by adding expense to the collector's roll for extra or other services set forth in such by-law or referred to in subsection 4a, or may collect for such services by action at law.

4d. A municipality or its officers may contract or agree with owners, lessees or occupants for the payment for services hereinafter referred to, and in default of payment may collect the amounts from time to time due under such contract by action at law or by adding the said amounts to the collector's roll and collecting the same with other municipal taxes. 2 Edw. VII, c. 29, s. 16.

### *Dry Earth Closets.*

By the councils of townships:—

Dry earth  
closets.

5. For regulating the construction of dry earth closets and compelling the use of the same within such limits within the municipality as may be defined by the by-law. R.S.O. 1897, c. 223, s. 551, par. 5.

Maintaining  
public conven-  
iences in cities  
and towns.

**552.**—(1) The councils of cities or towns may provide and maintain lavatories, urinals and water-closets and like conveniences in situations where they deem such accommodation to be required, either upon the public streets or elsewhere, and may supply the same with water, and may defray the expense thereof and of keeping the same in repair and good order. R.S.O. 1897, c. 223, s. 552.

Public scaven-  
ging system—  
establishment  
of.

(2) By-laws may be passed by the councils of cities and towns for any of the purposes mentioned in section 551 and for establishing, maintaining and regulating a system of public scavenging or system for the collection and disposal of ashes, refuse and garbage within the municipality and for such purposes may, subject to the approval of the



the Provincial Board of Health, acquire by purchase or otherwise or enter upon and take with or without the consent of the owners thereof such land as may be necessary therefor and may erect thereon such buildings, plant and machinery as may be required, and may for the said purposes acquire such further plant, machinery, tools and material as the council may deem necessary; but where the amount required for acquiring the land and erecting and placing the necessary buildings, plant and machinery thereon exceeds the sum of \$2,000 the by-law shall require the assent of the ratepayers of the municipality before the final passing thereof.

(3) In case the council of the said corporation and the owner of any land taken or injuriously affected thereby under this section fail to agree as to the amount of the compensation to be paid to such owner, the same shall be determined by arbitration in the manner provided by this Act

Arbitration in case of disagreement.

(4) The municipal corporation of such city or town for the purpose of providing the money for the acquisition of the necessary lands, buildings, plant and machinery, and for the initial establishment of the said system, may from time to time issue debentures of the said corporation for such sum as the council of the said corporation may deem expedient which said debentures shall be made payable not more than ten years from the day on which they shall respectively bear date, shall bear interest at a rate not exceeding 4 per cent. per annum, payable half-yearly, shall be signed by the mayor and the treasurer of the said city or town for the time being, and may be made payable either in sterling money of Great Britain or in currency of Canada, in this Province or elsewhere, as the said corporation may deem expedient.

Issue of debentures for acquiring lands, etc.

(5) For the payment of the debt and interest represented by the said debentures to be issued under the authority of subsection 4 of this section, there shall be annually raised, levied and collected by the corporation during the currency of the said debentures, a sum sufficient to discharge the said debt and interest when the same shall be respectively payable, said sum to be raised by an annual special rate upon the amount of the rateable or assessable property of the said corporation, according to the then last revised assessment roll thereof.

Special sum to be raised annually.

(6) In lieu of establishing a system of public scavenging as provided in subsection 2 of this section, the said corporation may contract with some person, firm or corporation for the removal of all ashes, refuse and garbage within the said city or town upon such terms and subject to such conditions, rules and regulations as the council may deem expedient, and the said council may pass by-laws for regulating the removal of such ashes, refuse and garbage under such contract.

Power to contract for the removal of garbage, etc.

(7) The council of the corporation of the city or town may from time to time pass by-laws dividing the said city or town into certain areas, districts or sections within which all ashes,

Division of city or town into districts and imposing

refuse

special rate  
on property  
therein.

refuse and garbage shall be collected, removed and disposed of, and may impose a special rate upon the assessed real property therein, according to the assessed value thereof, in order to pay all expenses incurred in collecting, removing and disposing of all ashes, refuse and garbage therein.

All land to be  
liable to  
assessment.

(8) No land within the said city or town shall be exempt from liability for assessment under subsection 7, but all land within the said city or town, no matter by whom owned or how or for what purpose or by whom used or occupied, shall be liable to assessment thereunder anything in any special or general Act or in any by-law to the contrary notwithstanding. 2 Edw. VII, c. 29, s. 17.

By-laws for,

**553.** By-laws may be passed by the councils of the municipalities and for the purposes in this section respectively mentioned, that is to say:

*Dwellings on Narrow Streets.*

Dwellings on  
narrow  
streets.

By the councils of cities, towns and villages:—

1. For regulating the erection or occupation of dwellings on narrow streets, lanes or alleys, or in crowded or unsanitary districts.

*Contagious Diseases.*

Contagious  
diseases.

By the councils of townships, cities, towns and villages:—

2. For making provision for supplying blanks for the notification and recording of cases of contagious or infectious disease; for giving public notice of houses wherein such cases exist; and for taking such measures as by *The Public Health Act*, or any other Act, are required to be taken in that behalf, and such other measures as may be necessary for preventing the spread of such diseases.

Rev. Stat.  
c. 248.

*Interments.*

Interments.

By the councils of cities, towns and villages:—

3. For regulating the interment of the dead, and for preventing interments from being made within the municipality R.S.O. 1897, c. 223, s. 553

*Spitting on Sidewalks, etc.*

Spitting on  
sidewalks,  
public halls,  
etc.

By the councils of cities, towns and villages:—

4. For prohibiting spitting on sidewalks and pavements, and in the passage ways, stairways and entrances to buildings used by the public, and in rooms, halls, buildings and places to which the public resort, street cars, public conveyances and in such other public places as the council may by such by-law designate. 3 Edw. VII., c. 18, s. 110.

DIVISION VIII.—PUBLIC HEALTH.

*Sub-Division III.—Sewers and Drains.*

*Drainage—General powers as to.* Sec. 554 (1) (1b).

*Ascertaining levels of cellars.* Sec. 554, (2).

*Plans*

*Plans of buildings to be furnished.* Sec. 554, (3).

*Acquiring lands in other municipalities for drainage purposes.* Sec. 554, (4).

*Extension of sewers into or through adjoining municipality.* Sec. 555.

**554.** By-laws may be passed by the councils of the municipalities and for the purposes in this section respectively mentioned, that is to say:

*Drainage.*

By the councils of counties, cities, towns, townships and villages:—

1. For opening, making, preserving, improving, repairing, widening, altering, diverting, stopping up and pulling down, drains, sewers or water-courses, within the jurisdiction of the council; and for entering upon, breaking up, taking or using any land in or adjacent to the municipality in any way necessary or convenient for the said purposes; and for entering upon, taking or using any land in or adjacent to the municipality for the purpose of providing an outlet for any sewer or of establishing works or basins for the interception or purification for sewage; and for making all necessary connections therewith; but subject always to the payment of compensation to persons who may suffer injury therefrom, and to any restrictions and liabilities imposed by this Act in that respect or otherwise. R. S. O., 1887, c. 223, s. 554, par. 1; 62 V. (1) c. 2 Sched (2).

Opening or stopping up drains and water-courses, etc.

By the councils of cities and towns.

1a. For placing the management of the entire sewerage system of the municipality in the hands of commissioners where such system includes the disposal or purification of sewage upon a sewage farm by filtration or other artificial means; provided however that no by-law to be passed under this subsection shall have any force until the same shall have received the assent of the ratepayers in the manner provided for by this Act in the case of by-laws for the creation of debts.

Commissioners to manage sewerage system.

Proviso.

1b. The provisions of sections numbered from 40 to 46, both inclusive, of *The Municipal Waterworks Act* and the amendments thereto heretofore or hereafter passed, are hereby incorporated with this Act as if the same were repeated herein, in so far as the same are applicable to such sewerage system, with the substitution of the words "sewerage system" for the words "waterworks" where they occur in the said sections. 3 Edw. VII., c. 18, s. 111.

Rev. Stat., c. 223, secs. 40 to 46 incorporated.

*Levels of Cellars—Plans.*

By the councils of cities, towns and villages:—

2. For ascertaining and compelling owners, tenants and occupants to furnish the council with the levels of the cellars heretofore dug or constructed, or which may hereafter be dug or constructed along the streets of the municipality; such levels to be with reference to a line fixed by the by-laws.

Ascertaining levels of cellars, etc.



Compelling the furnishing of ground or block plan of buildings to be erected.

3. For compelling to be deposited with an officer, to be named in the by-law, before commencing the erection of any building, a ground or block plan of such building, with the levels of the cellars and basements thereof, with reference to a line fixed by the by-laws.

*Acquiring Land for Drainage Purposes in another Municipality.*

Acquiring land in another municipality for drainage purposes.

4. For accepting or purchasing any land in any other municipality which may be required for preventing such city, town or village, or any part thereof, from being flooded by the surface or other waters flowing from such other municipality into such city, town or village; and for providing an outlet for such waters through any other municipality; and for opening, making, preserving and improving drains, sewers and water courses in the lands so acquired;

Proviso.

Provided always that the consent of the municipality in which the lands to be taken are situate shall be obtained before the powers conferred by this clause are exercised. R. S. O., 1897, c. 223, s. 554, pars. 2, 3, 4.

*Extension of Sewers.*

Extension of sewers into adjoining municipality.

**555.**—(1) In case any township, city, town or village is so situated that in the construction of any sewer therein it becomes necessary in order to procure an outlet therefor, to extend the same into or through a contiguous municipality, the township, city, town or village so situated, shall have power subject as hereinafter provided, to so extend such sewer into or through such contiguous municipality, and shall have power to unite and connect the same to any already existing sewer or sewers of such contiguous municipality, upon such terms and conditions as may be agreed upon between the respective municipalities, and, in case of a difference, then upon such terms and conditions as may be determined by arbitration, under the provisions of this Act.

Arbitrators to determine conditions on which connections may be made.

(2) In any case where the council of any municipality objects to allow an adjoining municipality to connect a sewer with any existing sewer, or to extend a sewer through its territory, as above provided, the arbitrators shall not only determine the terms and conditions upon which the connection or extension is to be made, but also whether the connection or extension should, under the circumstances, be permitted or allowed to be made; but nothing in this section contained shall authorize the making of an open drain or sewer, nor shall anything herein contained affect the provisions of *The Ditches and Water-courses Act*.

Rev. Stat. c. 285.

(3) Nothing in this section contained shall be construed as limiting or abridging any of the powers conferred on township councils by this Act. R. S. O., 1897, c. 223, s. 555.

DIVISION

## DIVISION VIII.—PUBLIC HEALTH.

*Subdivision IV.—Wet Lands. Sec. 556 (1).*

**556.** By-laws may be passed by the councils of town-ships. By-laws for,

*Purchasing Wet Lands.*

1. For purchasing from the Government or from any corporation or person, at a price (in case of Crown Lands, to be fixed by the Lieutenant-Governor in Council, and which price the Lieutenant-Governor in Council is hereby authorized to fix), all the wet lands at the disposal of the Crown or of such corporation or person in such township; and such lands may be sold accordingly to the corporation of such township;

Purchase of wet lands from Government, etc.

(a) The purchase and draining of such lands shall be one of the purposes for which any such corporation may raise money by loan or otherwise, or for which they may apply any of their funds not otherwise appropriated.

Raising money for purchasing and draining same.

(b) The township may possess and hold the land so purchased, and may, whenever they deem it expedient, sell or otherwise depart with or dispose of the same by public auction, in like manner as they may by law sell or dispose of other property, and upon such terms and conditions, and with such mortgages upon the land so sold, or such other security for the purchase money or any portion thereof, as they may think most advantageous.

Township may hold or dispose of such land.

(c) The proceeds of the sale of such lands shall form part of the general funds of the municipality.

Proceeds of sale.

R. S. O., 1897, c. 223, s. 556.

## DIVISION IX.—HIGHWAYS AND BRIDGES.

*Incumbering, injuring or fouling roads, bridges, etc*  
Sec. 557 (1).

*Removal of obstructions from highways. Sec. 557 (1-3).*

*Expense of removal. Sec. 557 (2) (4).*

*Pathmasters to enforce by-laws for removal. Sec. 557 (5).*

*Depositing rubbish, etc., on streets. Sec. 557 (6).*

*Interference with sleighing. Sec. 558.*

*Removal of snow, ice and dirt. Sec. 559 (1) (2).*

*Cabs, stands and booths. Sec. 559 (3).*

*Electric light, telegraph and telephone poles. Sec. 559 (4).*

*Conveyance of traffic, driving of cattle, etc. Sec. 559 (5).*

*Width of sleigh runners. Sec. 559 (6).*

*Driving or riding horses and cattle on roads and bridges.*  
Sec. 559 (7).

*Racing and immoderate driving. Sec. 559 (8).*

*Horses and cattle on sidewalks. Sec. 559 (9).*

*Vehicles on sidewalks. Sec. 560.*

By-laws for,

**557.** By-laws may be passed by the councils of the municipalities and for the purposes in this section respectively mentioned, that is to say :

*Obstruction of Roads or Streets.*

Preventing obstruction and fouling of streets, etc.

By the councils of cities, towns and villages :—

Removal of door-steps, etc.

1. For regulating or preventing the incumbering, injuring or fouling, by animals, vehicles, vessels or other means, of any road, street, square, alley, lane, bridge or other communication.

2. For directing the removal of door-steps, porches, railings or other erections, or obstructions projecting into or over any road or other public communication, at the expense of the proprietor or occupant of the property connected with which such projections are found.

By-laws for removal of certain obstructions from roads.

By the councils of townships, cities, towns and villages :—

3. For directing the removal of any fence, timber, stone, firewood, or any other obstruction placed upon any highway under the control of the council, excepting material that is to be used for road or bridge purposes.

4. For providing that the person placing any such obstructions or materials upon any highway shall, after notice to remove the same, and upon default for five days after such notice, be liable for the expense of the removal of the same.

5. For providing that the pathmasters, in their several road divisions, or other officers appointed for the purpose, shall enforce the provisions of such by-law.

Provided always that unless the by-law otherwise expressly provides, a worm fence which is not for more than one half its width upon a road allowance, shall not be deemed an obstruction within the meaning of the three preceding clauses 3, 4 and 5. R. S. O., 1897, c. 223, s. 557, pars. 1-5.

*Depositing Rubbish, etc., on Streets.*

By-laws for preventing persons from throwing dirt, etc., in highways.

6. For preventing persons from throwing any dirt, filth, glass, handbills, paper or other rubbish, or the carcasses of animals upon any street, road, lane or highway. 63 V. c. 33, s. 28.

*Repair of Roads.*

Stone or gravel on roads.

**558.** No stone, gravel or other material shall be put upon the roads for repairs during the winter months so as to interfere with sleighing. R. S. O. 1897, c. 223, s. 558.

By-laws for,

**559.** By-laws may be passed by the councils of the municipalities and for the purposes in this section respectively mentioned, that is to say :

*Removal of Snow, Ice, Dirt.*

By the councils of towns, villages and cities, except cities having 100,000 inhabitants or more.



1. For compelling persons to remove all snow and ice from the roofs of the premises owned or occupied by them; and to remove and clear away all snow, ice and dirt and other obstructions, from the sidewalks, streets and alleys adjoining such premises; and also to provide for the cleaning of sidewalks and streets adjoining vacant property, or the property of persons who, for twenty-four hours, neglect to clean the same; and to remove and clear away all snow and ice, and other obstructions, from such sidewalks and streets, at the expense of the owner or occupant in case of his default; and in case of non-payment, to charge such expenses as a special assessment against such premises, to be recovered in like manner as other municipal rates.

Removal of snow, etc.

Cleaning of sidewalks, streets, etc.

- (a) The council may, in the by-law passed for the purposes of the preceding clause, define certain areas or streets within the municipality, within or upon which the by-law shall be operative.

By the councils of cities having 100,000 inhabitants or more:—

2. For compelling persons to remove all snow and ice from the roofs of the premises owned or occupied by them; and to remove and clear away all snow, ice and dirt and other obstructions from the sidewalks, streets and alleys adjoining such premises; and also to provide for the cleaning of sidewalks and streets adjoining vacant property or the property of persons who neglect to clean the same within five hours after eight o'clock in the morning where the storm ceased at any time before the hour of eight o'clock in the morning; and to remove and clear away all snow and ice and other obstructions from such sidewalks and streets at the expense of the owner or occupant in case of his default; and in case of non-payment to charge such expenses as a special assessment against such premises, to be recovered in like manner as other municipal rates.

Removal of snow, etc.

Hours within which sidewalks must be cleaned.

### *Cab Stands and Booths.*

By the councils of cities, towns and villages:—

3. For authorizing, and for assigning stands for vehicles kept for hire on the public streets and places; and for authorizing the erection and maintenance of covered stands or booths on the streets, highways and public places, for the protection or shelter of the drivers of such vehicles.

Cab stands.

Provided that no such booth or covered stand shall be placed upon any sidewalk without the previous consent of the owner or lessee of the property fronting, abutting or adjoining such stand or booth.

Proviso.

### *Electric Light, Telegraph and Telephone Poles.*

4. For regulating the erection, and maintenance of electric light, telegraph and telephone poles

Telegraph poles.

23 s.

and

and wires within their limits. R. S. O. 1897, c. 223, s. 559, pars. 1-4.

*Conveyance of Traffic, Driving of Cattle, etc.*

Regulating traffic on streets and width of wheels.

5. For regulating the conveyance of traffic in the public streets and the width of the tires and wheels of all vehicles used for the conveyance of articles of burden, goods, wares or merchandise; and for prohibiting heavy traffic, and the driving of cattle, sheep, pigs and other animals in certain public streets and places to be named in the by-law, and for prohibiting the conveyance of traffic in any but one direction in streets, lanes and alleys which in the opinion of the council are too narrow for the passing of one vehicle by another. R. S. O. 1897, c. 223, s. 559, par. 5; 1 Edw. VII, c. 26, s. 23.

*Width of Sleigh Runners.*

By the councils of counties:—

Width of sleigh-runners.

6. For providing that no sled, sleigh, or other vehicle upon runners (except cutters or pleasure sleighs) drawn by horses or other animals, shall be used by any person residing within the county for the conveyance of persons or goods on any of the roads or highways within the county, unless the runners, thereof are apart from each other at the bottom 3 feet 9 inches, at least;

Provided that no such by-law shall apply to any sled sleigh or other vehicle upon runners owned or used by any person not resident within the said county.

Power to exempt from by-law.

(a) The council in passing such by-law may exempt from its operation all sleds, sleighs or vehicles on runners owned at the time of the passing of such by-law, by persons resident within the county.

When by-law to come in force.

(b) The by-law shall not come into force until the expiration of one year from the time of the passing thereof, or of such further time as the council may determine upon.

*Driving or Riding on Roads and Bridges.*

By the councils of counties, townships, cities, towns and villages:—

To regulate driving on roads and bridges.

7. For regulating the driving and riding of horses and other cattle on highways and public bridges.

8. For preventing racing, immoderate or dangerous driving or riding on highways or public bridges.

Setting apart streets for fast driving.

Provided that in cities having 100,000 inhabitants or more, the council thereof may by by-law set apart a street  
or

or streets on which horses may be driven or ridden more rapidly than is permitted upon the other streets of the city; and may pass by-laws for regulating and governing the use of such street for the aforesaid purposes. But if a majority of the property owners on any such street petition against such by-law, it shall be repealed.

### *Horses and Cattle upon Sidewalks.*

By the council of cities, towns and villages:—

9. For preventing the leading, riding or driving of horses or cattle upon sidewalks or other places not proper therefor. Driving, etc., upon sidewalks.  
R. S. O. 1897, c. 223, s. 559, pars. 6-9.

### *Vehicles on Sidewalks.*

**560.** The council of every municipality may, by by-law, prohibit carriages, waggons, bicycles, sleighs, and other vehicles and conveyances of every description, and whatever the motive power, or any particular kind or class of such vehicles and conveyances from being upon, or being used, drawn, hauled or propelled along or upon any sidewalks, pathways or foot-paths, used by or set apart for the use of pedestrians, and forming part of any street, avenue, boulevard, bridge or other means of public communication or in or upon any avenue, boulevard, park, park-plot, garden or other place set apart for ornament or embellishment of the municipality, or for public recreation. By-laws regulating vehicles on sidewalks, etc.  
R. S. O. 1897, c. 223, s. 560.

## DIVISION X.—STATUTE LABOUR.

*Commutation of.* Sec. 561 (1).

*Rate of.* Sec. 561 (2).

*Fixing the number of days of statute labour.* Sec. 561 (3).

*Enforcing its performance or payment of commutation.* Sec. 561 (4).

*Regulating mode and place of performance.* Sec. 561 (5).

*Reducing or abolishing statute labour.* Sec. 561 (6).

*Reducing or varying within defined areas.* Sec. 561 (7).

*Keeping township roads open during sleighing.* Sec. 561 (8).

*Application of S. L. Commutation Fund therefor.* Sec. 561 (9).



By-laws for, **561.** The council of every township may pass by-laws—

*Statute Labour.*

- |   |   |
|---|---|
| Commutation of statute labour.                            | 1. For empowering any person (resident or non-resident) liable to statute labour within the municipality, to compound for such labour, for any term not exceeding five years, at any sum not exceeding \$1 for each day's labour ;  |
| Rate of commutation.                                      | 2. For providing that a sum of money, not exceeding \$1 for each day's labour, may or shall be paid in commutation of such statute labour ;   |
| Fixing number of days of statute labour.                  | 3. For increasing or reducing the number of days' labour, to which the persons rated on the assessment roll or otherwise shall be liable, in proportion to the statute labour to which such persons are liable in respect of the amounts at which they are assessed, or otherwise respectively ;  |
| Enforcing statute labour.                                 | 4. For enforcing the performance of statute labor, or the payment of a commutation in money in lieu thereof, when not otherwise provided by law ;   |
| Regulating performance, etc.                              | 5. For regulating the manner and the divisions in which statute labour or commutation money shall be performed or expended ;  |
| Reducing or abolishing.                                   | 6. For reducing the amount of statute labour to be performed by ratepayers or others within the municipality, or for entirely abolishing such statute labour.   |
| Reducing or varying statute labour in defined localities. | 7. For reducing or varying the amount of statute labour to be performed by the ratepayers or others within certain defined areas in the municipality when, in the opinion of the council, exceptional circumstances exist rendering such reduction or variation equitable, and upon such conditions as may be imposed by the by-law.  |
| Keeping roads open in winter.                             | 8. For providing for the making and keeping open of township roads during the season of sleighing in each year ;  |
| Application of commutation.                               | 9. For providing for the application of so much of the commutation of the Statute Labour Fund, as may be necessary for keeping open such roads as last aforesaid, within such respective municipalities. R. S. O. 1897, c. 223, s. 561.   |
| Compulsory commutation in unincorporated villages.        | 10. To compel all persons (resident or non-resident) liable to statute labour within any unincorporated village the limits of which are defined in the by-law, to compound for such labour at any sum not exceeding \$1 for each day's labour, and to provide that such sum shall be paid in commutation of such statute labour, and to enforce the payment of such commutation in money in lieu of such statute labour; and for the purpose of enforcing such payment the like remedies may be had, and proceedings taken against the person in default, as are provided by sub-section 1 of section 107 of <i>The Assessment Act</i> , in cases of neglect or refusal to pay any sum for statute labour commuted under section 103 of the <i>The Assessment Act</i> . 3 Edw. VII. c. 18, s. 112. ( <i>See Rev. Stat. c. 223, s. 37.</i> ) |

Div.

## DIV. XI.—WHARFS, HARBOURS, RIVERS, STREAMS, ETC.

*Wharfs, docks, slips, etc.* Sec. 562 (1).

*Regulating harbours.* Sec. 562 (2).

*Purchasing harbours.* Sec. 562 (1a).

*Preventing incumbering and filling up of.* Sec. 562 (3).

*Beacons.* Sec. 562 (4).

*Wharfs, piers, docks, elevators etc.* Sec. 562 (5).

*Regulating vessels and rafts.* Sec. 562 (6).

*Harbour dues.* Sec. 562 (7).

*Incumbering wharfs, docks, slips, etc.* Sec. 562 (8).

*Removal of obstructions therefrom.* Sec. 562 (9,) 10).

*Obstruction of drains, streams and watercourses.* Sec. 562 (11), (14).

*Notice to adjoining municipality in such cases.* Sec. 563.

**562.** By-laws may be passed by the councils of the municipalities and for the purposes in this section respectively mentioned, that is to say:—

By the councils of counties, townships, cities, towns and villages:—

1. For making, opening, preserving, altering, improving and maintaining public wharfs, docks, slips, shores, bays, harbours, rivers or waters and the banks thereof. R. S. O., 1897, c. 223, s. 562, par. 1. Making, etc., of wharfs, docks, etc.

1 (a) For purchasing or otherwise acquiring and taking a conveyance from any company incorporated under the laws of this Province, or the late Province of Canada, of any harbour within the municipality, or within any adjacent municipality, in the same county, and for selling and conveying such harbour to any purchaser thereof. 1 Edw. VII. c. 12, s. 19. Acquiring harbours.

2. For regulating harbours.

Regulating harbours.

3. For preventing the filling up or incumbering of harbours.

4. For erecting and maintaining necessary beacons.

Beacons.

5. For erecting and renting wharfs, piers and docks in harbours, and also floating elevators, derricks, cranes and other machinery suitable for loading, discharging or repairing vessels. Wharfs, elevators.

6. For regulating vessels, craft and rafts arriving in any harbour. Vessels, etc.

7. For imposing and collecting such reasonable harbour dues thereon as may serve to keep the harbour in good order, and to pay a harbour master. R.S.O., 1897, c. 223, s. 562, pars. 2-7. Harbour dues.

8. For regulating or preventing the incumbering, injuring or fouling, by animals, vehicles, vessels or other means, of any public wharf, dock, slip, drain, sewer, water pipe, suction pipe, shore, bay, harbour, river or water. R.S.O., 1897, c. 223, s. 562, par. 8; 3 Edw. VII. c. 18, s. 113. Cleanliness of wharfs, docks, etc.

9. For directing the removal of door steps, porches, railings or other erections, or obstructions projecting into or over any wharf, Removal of door steps, wharf,

etc., obstruct-  
ing wharfs,  
etc.

wharf, dock, slip, drain, sewer, bay, harbour, river or water, or the banks or shores thereof, at the expense of the owner or occupant of the property connected with which such projections are found.

*Removal of obstructions from wharfs, waters, etc.*

By the councils of cities, towns and villages :—

Removal of  
sunken  
vessels, etc.,  
from  
harbours, etc.

10. For regulating and compelling the removal from any public wharf, dock, slip, drain, sewer, shore, bay, harbour, river or water, of all sunken, grounded or wrecked vessels, barges, craft, cribs, rafts, logs or other obstructions or incumbrances, by the owner, charterer or person in charge, or any other person who ought to remove the same.

*Obstructions to Streams and Watercourses.*

By the councils of townships, cities towns and villages :—

Preventing  
obstruction of  
drains.

11. For preventing persons from obstructing any drain or watercourse.

By the councils of townships :—

Preventing  
obstruction of  
streams, etc.

12. For preventing the obstruction of streams, creeks and water-courses, by trees, brushwood, timber or other materials, and for clearing away and removing such obstructions at the expense of the offenders or otherwise.

Levying  
expenses.

13. For levying the amount of such expense, in the same manner as taxes are levied.

Penalties.

14. For imposing penalties on persons causing such obstructions. R. S. O., 1897, c. 223, s. 562, pars. 9-14.

When stream  
in any town-  
ship cleared of  
obstructions,  
notice may be  
served on  
council of ad-  
joining muni-  
cipality  
requiring  
them to clear  
such stream  
within their  
municipality.

**563.** Wherever any stream or creek in any township is cleared of all logs, brush or other obstructions to the town line between such township and any adjoining township into which such stream or creek flows, the council of the township in which the creek or stream has been cleared of obstruction may serve a notice in writing on the head of the council of the adjoining township into which the stream or creek flows, requesting such council to clear such stream or creek through their municipality; and it shall be the duty of such last named council, within six months after the service of the notice as aforesaid, to enforce the removal of all obstructions in such creek or stream within their municipality, to the satisfaction of any person whom the council of the county in which the municipality whose council served the notice is situate, shall appoint to inspect the same; and if the council receiving such notice neglects the said duty, and by reason of such neglect any public road, street, bridge or highway in either of the said townships becomes out of repair, the corporation in default, but not the corporation which served the notice, shall, (besides being subject to any punishment or proceeding pro-  
vided



vided by law), be civilly responsible for all damages sustained by any person by reason of such want of repair; but the action shall be brought within three months after the damages have been sustained. R. S. O., 1897, c. 223, s. 563.

**563a.** (1) In the case of any river, stream or creek flowing through or in the neighbourhood of a municipality, the municipal corporation thereof for the purpose of preventing damage to property within the municipality by floods arising from the overflowing or damming back of such river, stream or creek, may acquire by purchase, lease or otherwise land in such municipality or in any adjoining or neighbouring municipality, and may construct such works thereon, or perform such work in respect thereof as they may deem necessary, and may also for the purpose aforesaid deepen, widen, straighten, or otherwise, improve such river, stream or creek upon the land so acquired, or remove therefrom islands, rocks or other natural obstructions to the free flow of the water in such river, stream or creek; and may expend such moneys for all such purposes as may lawfully be appropriated therefor by the municipality, or may make such contracts in respect thereof as in the opinion of the council may be necessary for the purposes aforesaid; and the council of any municipality may from time to time pass by laws for any or all of the said purposes. 62 V. (1), c. 5, s. 1; 3 Edw. VII., c. 18, s. 114.

Works for prevention of damage by flooding.

(2) In case other lands than those so acquired are injuriously affected by any works undertaken under this section the owners or occupiers, or other persons interested in such lands shall be entitled to compensation and sections 437 to 447 of this Act shall apply thereto. 62 V. (1) c. 5, s. 2.

Compensation for lands injured.

## DIVISION XII.—WATER, LIGHT AND HEAT.

*Acquiring water rights. Secs. 564, 565.*

*Constructing and maintaining waterworks. Sec. 566 (1).*

*Supplying light and heat. Sec. 566 (2).*

*Authorizing gas or water companies to use streets. Sec. 566 (3).*

*Constructing gas or water works. Sec. 566 (4).*

*Transmission of electricity over streets. Sec. 566a.*

*Acquiring gas, electric light and waterworks. Sec. 567.*

*Disposing of surplus power. Sec. 567a*

*Municipality not to enter into competition with companies. Sec. 567b.*

*Contracts with gas and electric light companies. Sec. 568.*

*Fuel supplies. Sec. 568 (2).*

### *Acquiring Water Rights.*

**564.** In addition to the powers given by *The Municipal Waterworks Act* and subject to all the provisions of the said Act, including those relating to the making of compensation and otherwise, every municipal corporation may acquire by purchase, demise or gift the right or title to any stream, river, creek, waters, water power, water course or lands situate, being

Power to acquire water rights.  
Rev. Stat. c. 235.

being or flowing in or through any such municipality, or within three miles thereof; and may build, erect, make, preserve, improve, renew, widen or alter any dam or dams, water gates, waste gates, weirs or flumes upon, over or across any such stream, river, creek, waters, water course or lands, and make, dig, widen, preserve, alter or improve any raceway or raceways leading to or from any such dam or dams for the purpose of obtaining power to run or drive the necessary machinery for supplying electric light within the municipality. R. S. O., 1897, c. 223, s. 564.

Town or  
village may  
acquire water  
power and  
lands  
adjacent.

**565.**—(1) The corporation of any town or village may acquire by lease or purchase any water privilege or water privileges situate within its limits, together with sufficient lands adjacent thereto, for the proper user of such water privilege or water privileges, and may from time to time expend thereon such sums of money as are necessary for the development, repairs and user of such water privilege or water privileges and lands, including the erection, improvement and repair of buildings in connection therewith; and they may for the purposes aforesaid borrow upon the debentures of the corporation such sums as are required for the same, for such periods and at such rates of interest as the corporation may by by-law determine R. S. O., 1897, c. 223, s. 565 (1); 61 V. c. 23, s. 18.

By law to  
be submitted  
to ratepayers.

(2) Before acquiring any such water privilege or water privileges and lands, a by-law shall be submitted to the ratepayers of the municipality setting forth the agreement for such acquisition which shall have been previously entered into, subject to ratification by the ratepayers, the amount required to be borrowed for the purpose of such acquisition and containing generally all such matters as are required by this Act in relation to money by-laws. R.S.O., 1897, c. 223, s. 565 (2); 3 Edw. VII. c. 18, s. 115 (1).

Proceedings  
for taking  
vote.

(3) The vote of the ratepayers upon such by-law shall be taken in the manner provided by sections 338 to 365, both inclusive, of this Act, and the persons entitled to vote thereon shall be the electors qualified to vote on by-laws for the creation of debts and in case a majority of such persons vote in favour of the by-law the council shall pass the same. R.S.O., 1897, c. 223, s. 565 (3).

Power to use  
water privi-  
leges and  
lease same.

(4) Upon the acquisition of such water privilege or water privileges the corporation may use the same for their own purposes, and may grant leases of the whole or any parts thereof upon such terms and conditions as may be agreed upon and may otherwise deal with the same as fully and effectually to all intents and purposes as might be done by an individual; but no sale of any part of the said water privileges or lands so acquired shall be made until a by-law authorizing the same has been submitted to the ratepayers and passed by a vote of the electors qualified to vote on said

by-laws for the creation of debts authorizing the acquisition of said water privileges and lands ; and no lease shall be granted for a longer period than thirty years with right of renewal and renewals. R.S.O. 1897, c. 223, s. 565 (4) ; 3 Edw. VII, c. 18, s. 115, (2).

**566.** By-laws may be passed by the councils of the municipalities and for the purposes in this section respectively mentioned, that is to say ;

*Water and Waterworks.*

By the councils of townships, cities, towns and villages :—

1. For constructing, building, purchasing, improving, extending, holding, maintaining, managing and conducting water-works and all buildings, materials, machinery and appurtenances thereto belonging in the municipality and in the neighbourhood thereof, subject to the provisions contained in *The Municipal Waterworks Act*. Constructing water-works. Rev. Stat. c. 235.

*Light and Heat.*

By the councils of cities, towns and villages :—

2. For manufacturing and supplying light and heat under *The Municipal Light and Heat Act*. R. S. O. 1897, c. 223, pars. 1, 2. Rev. Stat. c. 234.

*Gas, Electric Light and Water.*

By the councils of townships, cities, towns and villages :—

3 For authorizing any gas, water or pneumatic transit company to lay down pipes or conduits for the conveyance of water, gas or merchandise and other things under streets or public squares, subject to such regulations as the council sees fit. 1 Edw. VII., c. 26, s. 24. Authorizing gas, water or pneumatic companies to lay down pipes.

By the councils of cities, towns and villages :—

4. For constructing gas, electric light or water works, and for levying an annual special rate to defray the yearly interest of the expenditure therefor and to form an equal yearly sinking fund for the payment of the principal, or of the principal and interest, within a time not exceeding thirty years and not less than five years. 62 V. (2), c. 26, s. 35 (1) *part* ; 63 V., c. 33, s. 29 ; 2 Edw. VII., c. 29, s. 20. By-law for constructing gas, electric lighting and water works.

(a) In case there is any gas, electric light or water company incorporated for or in the municipality, the council shall not levy any such special rate, or construct works for lighting the public streets, until such council has, by by-law, fixed a price to offer for the works and property of the company or companies, nor until after thirty days have elapsed after notice of such price has been communicated to the company or companies, Council not to proceed until offer made to companies carrying on business.



Arbitration to fix price to be paid to companies.

panies, without the company or companies having accepted the same, or without the company or companies having, under the provisions of this Act as to arbitrations, named and given notice of an arbitrator to determine the price, nor until the price accepted or awarded has been paid, or has been secured to the satisfaction of the company or companies, and in case the company or companies and the municipality do not agree, the said price shall be determined by arbitration under this Act; and where there is more than one such company in the municipality the arbitrators shall determine the share or proportion of the price to be paid to each company. This clause (a) shall only apply to a gas or electric light company that has supplied or shall supply gas or electric light for street lighting in the municipality, or to a water company that has supplied or shall supply water for street hydrants in the municipality.

Matter to be considered by arbitrators in fixing price for gas or water-works.

(a2) In any arbitration under clause (a) hereof to determine the price to be paid for the works and property of a gas or water company, the arbitrators shall determine the actual value of such works and property having regard to what the same would cost if the works should be then constructed or the property then bought making due allowance for deterioration and wear and tear, and making all other proper allowances, but not allowing anything for prospective profits or franchise and shall increase the amount so ascertained by ten per cent. thereof, and such increased amount shall be the amount which the arbitrator or arbitrators shall award as the price to be allowed for the said works and property.

Matters to be considered in fixing price for electric light works.

(a3) In any arbitration under clause (a) hereof to determine the price to be paid for the works and property of an electric light company the arbitrators shall determine the actual value of such works and property having regard (1) to what the same would cost if the works should be then constructed or the property then bought; (2) to the condition of the works and to any deterioration thereof from use and wear and tear or by reason of the system or appliances having become in whole or in part obsolete; (3) to the value of such works and property to the municipal corporation for the purposes and to the extent to which the municipality can make use of the same and to such value for commercial and such other purposes as a company could use them for; and (4) to the cost of procuring more valuable or modern improvements or appliances therefor, if any, and the cost of acquiring the right to use and of adapting such improvements, the arbitrators making all proper allowances but not allowing anything for prospective profits or franchise, and such amount so ascertained shall be the amount which the arbitrators shall award as the price to be allowed for the works and property.

Purchase of part of work only for street lighting purposes.

(a4) Where in any of the said municipalities the municipal council desires to construct works as aforesaid to supply light for street lighting and other public uses on highways, or to supply

supply water for street hydrants and other public uses on highways, but not for commercial purposes, the council may, by the said by-law, limit the price to be offered as aforesaid to a price for part only or for the use of part or for the purchase of certain parts and the use of other parts of the works of a company, that is to say, to so much thereof as may be required for such public uses, and in the event of an arbitration hereunder thereafter held to determine as to such offer and price, the arbitrator or arbitrators shall have power, after taking into consideration the effect of severance, if any, or user on the remaining property and business of the company, to award a severance of the works, if the arbitrator or arbitrators shall determine that after severance, if any, or user the company will be in all probability, having regard to the nature of the business, and all the circumstances, in a position to successfully carry on that part of their business which consists in supplying private consumers at rates not less favourable to the consumers, the company to have the right to continue to operate the balance of their works for that purpose, and if the arbitrator or arbitrators shall so award a severance, they shall, by their award, determine what part of the works the municipality shall acquire for said purposes before levying the said special rate, as well as the price thereof, but nothing herein contained shall affect the right of the council at any subsequent time to offer a price for the said balance of the said works under the provisions of this Act. 62 V. (2), c. 26, s. 35 (1), *part*.

(a5) And if within three months after the publication of any award or after the receipt by the municipality of notice of acceptance of the offer made under article (a) or (a4) hereof the municipality shall give notice in writing to the company that they will not accept the terms of the award, their offer may be withdrawn provided they first pay all costs of the reference and award and provided also that in the event of such withdrawal the municipality shall not until after the expiration of two years from such withdrawal be entitled to again avail themselves of the provisions of the clause under which the award was made. 62 V. (2), c. 26, s. 35 (1), *part*; 63 V., c. 33, s. 30.

(a6) In case there is any gas or electric light company supplying gas, electric energy or light, or water company supplying water in any municipality, the council may, by by-law, fix a price and terms to offer for the supply by contract by such gas or electric light company of gas or electric energy or light for street lighting and other public uses, or for the supply, by contract by such water company of water for street hydrants and other public uses for a term of not less than five years and not more than ten years, and after thirty days have elapsed after notice of such price and terms has been communicated to the company without the company's having accepted the same, the council may, under the

Withdrawal  
of offer.

Contracts  
with  
companies.

the provisions of this Act as to arbitrations, name and give notice of an arbitrator to determine the price and terms of the contract for such supply of gas or electric light as aforesaid, and in case the company and the municipality do not agree the said price and terms shall be determined by arbitration under this Act.

Fixing price  
to be paid by  
private  
consumers.

(a7) Upon an application in writing signed by not less than five ratepayers of the municipality, the council of any municipality may in its discretion by by-law permit the persons making such application to use the name of the municipal corporation for the purpose of taking proceedings to determine the price at which electric light shall be supplied to inhabitants of the municipality for domestic and other purposes; provided that no such by-law shall be passed until the persons making such application have given satisfactory security to the council to indemnify the municipal corporation against all costs which may be incurred in the arbitration proceedings. After the passing of such by-law, the said applicants may in the name of the municipal corporation name and give notice of an arbitrator to determine the price and terms of the contract for the supply of electric light or energy to the inhabitants of the municipality for domestic and all other lighting purposes; and for the purposes in this paragraph set forth, the said applicants so acting in the name of the municipal corporation shall have the power to do all necessary things and take all necessary steps, and their acts shall be as binding upon the municipal corporation as if the said proceedings were taken by the municipal council thereof, and in case the company and the applicants so acting in the name of the municipal corporation do not agree, the said price and terms shall be determined by arbitration under this Act. The municipal corporation shall have the right and is hereby authorized to take proceedings by arbitration in its own name for the purposes in this subsection mentioned and shall have all necessary powers for that purpose whether on its own motion or when used as in this subsection is provided.

Individuals.

(a8) All the provisions of this section shall apply where an individual supplies electric light or electrical energy, or gas or water for municipal and public purposes. In all such cases the municipal corporation and the individual shall proceed hereunder, and be subject to the provisions hereof in the same manner as if the individual were a company. 62 V. (2), c. 26, s. 35 (1), *part*.

Official  
arbitrators  
under Rev.  
Stat., c. 227,  
may act.

(a9) Any municipal corporation and company or individual may agree that the official arbitrator appointed under *The Act respecting Municipal Arbitrations* or some other person shall determine any matters in difference hereunder, and in such case his award shall be final and binding upon the parties as if such award had been made by arbitrators appointed under this Act. 62 V. (2), c. 26, s. 35 (1), *part*; 63 V., c. 33, s. 31.

(b)



- (b) The provisions of the two preceding clauses 3 and 4 shall not be construed to apply to, or affect the provisions contained in, any special Act obtained, or to be obtained, by any company or municipal corporation or the provisions contained in any contract existing between any municipal corporation and any company on the 1st day of April, 1899. R. S. O., 1897, c. 223, s. 566, par. 4, art. (b); 62 V. (2), c. 26, s. 35 (2), *part*. Proviso as to provisions in special Acts.
- (c) Subject to the provisions of this Act, or of any special Act so far as the same may be applicable, the powers of a municipal corporation for lighting the municipality, or for constructing gas works, whether by this or by any special Act, shall include the powers conferred on gas companies by sections 14 and 15 of *The Act respecting Joint Stock Companies for supplying Cities, Towns, and Villages with Gas and Water*. R. S. O., 1897, c. 223, s. 566, par. 4, art. (c). Powers in respect of lighting and construction of gas works.  
Rev. Stat. c. 199.
- (d) Where any municipal corporation has constructed any gas, electric light or water works for supplying the municipality with gas, electric light or water, and where there is a sufficient supply thereof, it shall be the duty of the corporation to supply with gas, electric light or water all buildings within the municipality situate upon land lying along the line of any supply pipe or wires of the said corporation, upon the same being requested by the owner, occupant, or other person in charge of such building. Provided, however, that this shall not apply to cases where any such supply pipe for water has been laid under the special powers contained in proviso in subsection 5 of section 569 of this Act, until the debentures issued for said supply pipe or main have been paid off, or unless the person requiring such supply of water shall enter into a satisfactory bond to the municipality to secure the payment of the annual water rates, and the annual special rate required to pay for the debt incurred therefor, or such proportionate part thereof as the supply pipe or main opposite such person's property bears to the whole length of the said supply pipe or main, R. S. O., 1897, c. 223, s. 566, par. 4, art. (d); 62 V. (2), c. 26, s. 35 (3); 3 Edw. VII, c. 18, s. 116. Municipal corporation constructing works to supply with gas or water buildings on line of supply on request.  
Proviso.
- (e) The corporation before supplying gas, electric light or water to any building, or as a condition of continuing to supply the same, may require any consumer to give reasonable security for the payment of the proper charges of the company therefor or for carrying Corporation may require security from consumer

carrying the gas electric light or water into such building. R. S. O., 1897, c. 223, s. 566, par. 4, art. (e); 62 V. (2) c. 26, s. 35, (3).

Liability for failure of supply not affected.

- (f) Nothing in the preceding two clauses (d) and (e) contained shall be construed in any way to affect the liability of any corporation in respect of damages on account of any failure of supply through mischance, accident or mismanagement, but the position of the corporation in respect thereto shall remain as if said two clauses had not been enacted. R. S. O., 1897, c. 223, s. 566, par. 4, art. (f).

By-laws and contracts in force at time of passing 62 V. (2), c. 26, s. 35.

- (g) Nothing in paragraph numbered 4 of this section or articles (a) to (f) inclusive thereof or in subsection 5 of section 569 of this Act contained shall apply to or affect any lawful by-law in force on the 1st day of April, 1899, or which had come into effect at the said date nor any contract theretofore lawfully made or entered into between a municipal corporation and any gas, electric light or water company; nor shall anything in the said paragraph, articles, or sub-section contained be deemed to have prevented or to prevent any contract being entered into between a municipal corporation and any such company or any by-law being passed by a municipal council not inconsistent with this Act in the same manner and for the same purpose and to the same extent as before the said date. 62 V. (2), c. 26, s. 35 (5).

Municipalities establishing gas works.

- (h) Nothing in the said paragraph or articles or in the said subsection contained shall be deemed to annul any of the provisions contained in the Act incorporating any gas company now operating in any city, nor shall it affect any Acts amending such Act of Incorporation, nor the right of any such city under such Acts to establish or procure the establishment therein of further works for the supply of gas; provided that any city corporation having under the Act of Incorporation and amendments thereof of any gas company operating in such city, the right to establish or to cause or permit to be established additional or further works for the supply of gas in such city, shall have power to construct and establish such further or additional works and to pass the necessary by-laws authorizing the levying of an annual special rate to defray the yearly interest on the expenditure therefor and to form a sinking fund for the payment of the principal within a time not exceeding thirty nor less than five years. 1 Edw. VII. c. 26, s. 36.

**566a.** By-laws may be passed by the municipal councils of cities, towns, incorporated villages and townships for the following purposes, that is to say :

By-laws respecting the transmission of electricity over streets of municipality.

- (a) For authorizing any person, firm or incorporated company supplying electricity for power, lighting or heating, to lay down pipes or conduits enclosing wires for the transmission of electricity under streets or public squares, or to carry wires for the transmission of electricity across or along any streets or public squares, or to erect poles in streets and public squares where necessary to support such wires, subject to such regulations as the council sees fit to impose.

- (b) For authorizing any person, firm or incorporated company supplying steam for heat or power to lay down pipes or conduits for transmitting steam under streets or public squares, subject to such regulations as the council sees fit to impose.

Transmitting steam over streets of municipality.

Provided that nothing contained in this section or in any by-law passed in exercise of the powers hereby conferred shall be taken or deemed to authorize the council of any municipality or any person to do any Act or to enter into any contract directly or indirectly in contravention of paragraph 4 of section 566 of this Act and the clauses lettered *a* to *a9* appended thereto or in contravention or violation of the true intent and meaning of any contract heretofore or hereafter entered into by any municipal corporation. 2 Edw. VII., c. 29, s. 21.

Proviso.

[*Rev. Stat. c. 223, s. 567 (1) was repealed by 2 Edw. VII. c. 29, s. 29.*]

**567.** (2) No by-law of any town having a population of 5,000 or less as ascertained by the latest census of Canada creating or intended to create a debt for the erection or purchase of, or for otherwise acquiring an electric light plant, passed before the 1st day of July, 1897, and otherwise legal, shall be quashed or shall be deemed to be invalid or illegal by reason only that the period fixed in and by the said by-law for the repayment of the debt thereby created exceeds twenty years; provided always that such period does not exceed the period of thirty years. R.S.O., 1897, c. 223, s. 567 (2); 2 Edw. VII., c. 29, s. 22 *part*.

By-laws passed before July 1st, 1897, for creating debts for electric light works.

(3) It shall not be necessary for the council of any city, town or village to pass separate by-laws creating debts for the acquirement of gas, electric light or water works in case the city, town or village desires to acquire at the same time more than one of the said conveniences, but all or any two thereof may be united in one by-law and one debt, or separate by-laws creating separate debts,

By-law may include gas, electric light and water works.



debts, in respect of the said subject matters, may at the option of the council be submitted and passed, subject to the provisions of this Act; and in case the by-law embraces two or more subject matters, the procedure shall be that of this Act and not that of *The Municipal Water Works Act*. R. S. O. 1897, c. 223, s. 567 (3); 2 Edw. VII, c. 29, s. 22 part.

Rev. Stat.  
c. 235.

Municipality  
selling elec-  
trical power.

**567a.** Any municipal corporation which, under the authority of this Act or any former municipal Act, has established or acquired, or hereafter establishes or acquires, an electric plant for the purpose of producing electricity for light and heat in the municipality in accordance with *The Municipal Light and Heat Act*, may, subject to the provisions of the next succeeding section, sell or lease, for any use for which electrical power can be used in the municipality, that electrical power or energy necessarily produced by such plant in producing electricity for light and heat which is in excess of that immediately required for the purpose above mentioned. 63 V. c. 33, s. 61.

Rev. Stat.,  
c. 234.

Not to sell  
when company  
engaged in  
producing  
power or  
energy.

**567b.** Except as provided by *The Municipal Light and Heat Act* and by the preceding section, no municipal corporation shall sell, lease, furnish or supply electrical power or energy to any person or corporation in a municipality where an incorporated company, firm or individual is engaged in producing and disposing of electrical power or energy for value or as a commercial product. 63 V. c. 33, s. 62.

Contracts for  
the supply of  
gas or electric  
light.

**568.** (1) Every municipal council shall have power to contract for a supply of gas or electric light for street lighting and other public uses for any number of years not in the first instance exceeding ten, and for renewing such contract from time to time for such period not exceeding ten years, as the council may desire. R. S. O. 1897, c. 223, s. 568.

Municipali-  
ties authorized  
to establish  
fuel yards  
under certain  
conditions.

(2) Subject to the consent of the Lieutenant-Governor in Council, and within the limitations and restrictions, and under the conditions set forth in any Order in-Council in that behalf municipal councils of cities and towns shall have power to borrow from any bank or other corporation or person such sums of money as may be necessary for the purpose of purchasing coal, wood, peat or other fuel, and to temporarily operate fuel yards by purchasing supplies of such fuel, and selling and disposing of the same to the residents of the municipality in anticipation of or during a period of such scarcity or failure of supply of fuel, or such threatened scarcity or failure of supply thereof as may appear to create an emergency; and any by-law passed under the authority of this sub-section shall not require the assent of the ratepayers, but shall require a vote of two-thirds of the council of such municipality. 3 Edw. VII. c. 18, s. 117.

## DIVISION XIII.—STREET RAILWAYS, TELEPHONE SERVICE.

*Building, equipping, maintaining and operating.* Sec. 569 (1).

*Powers and liabilities of municipality so doing.* Sec. 569 (1) (2).

*Extension into adjoining municipality.* Sec. 569 (3).

*By-laws for street railways or gas or water works, how to be passed.* Sec. 569 (5) (6).

*Special Acts not affected.* Sec. 569 (7).

*Telephone Service.* Sec. 570-573.

*Street Railways.*

**569.**—(1) By-laws may be passed by the councils of cities and towns:— By-laws for

For building, equipping, and maintaining and operating street railways in, along and over such streets of the city or town and subject to and upon such terms as the Lieutenant-Governor in Council may approve; and for leasing the same from time to time on such terms as may be determined on; and for levying an annual special rate to defray the yearly interest on the expenditure therefor, and to form an equal yearly sinking fund for the payment of the principal within a time not exceeding 30 years. Street rail-ways.

Provided that the powers conferred by this subsection shall not apply to a municipality in which there is an existing street railway constructed or operated under any agreement or contract between the municipality and any street railway company.

(2) A municipal corporation which builds, constructs, owns, or manages a street railway shall have and exercise the same rights and powers and be subject to the same liabilities as street railways and companies under *The Street Railway Act*, except where the same conflict or are inconsistent with or are repugnant to the rights, powers, liabilities or duty of a municipal corporation as provided by law. Nothing herein contained shall relieve any municipality from its obligations and liabilities in respect of roads, streets, highways or bridges as provided by this Act. Rev. Stat. c. 208.

(3) In addition to the powers given and contained in subsection 1 of this section any city or town operating or proposing or intending to build or operate a street railway within its own limits may also pass by-laws for building, equipping, maintaining and operating any extension of any such street railway in any adjoining municipality (with the consent of such adjoining municipality by by-law, and subject to and upon such terms as the Lieutenant-Governor in Council may approve) upon the same terms and subject to the same conditions and provisions of law as any street railway company may build, maintain or operate any street railway under *The Street Railway Act*; and such city or town building, constructing, owning or managing a street railway extending beyond its territorial Power to operate extension of street railway in adjoining municipality.

territorial limits (and authorized as aforesaid and with the consent aforesaid) shall not be held to be illegally expending money, merely because it is expended upon or in connection with such portion of said street railway as extends beyond its territorial limits.

[*Rev. Stat. c. 223, s. 569 (4) repealed by 3 Edw. VII, c. 18, s. 118.*]

*Provisions applicable to By-laws relating to Street Railways Gas, Electric Light or Water-works.*

(5) No by-law under clause 4 of section 566 or under subsection 1 of this section shall be passed—

Estimates to be published, and notice of holding poll on by-law.

Firstly :—Until estimates of the intended expenditure have been published for one month, with notice of the time appointed for holding a poll of the electors on the proposed by-law, and until a copy of the proposed by-law at length, as the same is to be ultimately passed, and a notice of the day appointed for finally considering the same in council, have been published for one month in some newspaper in the municipality, or (if no newspaper is published therein, then) in some newspaper in the county in which the municipality is situate ; nor,

Poll to be held and majority must be in favour.

Secondly :—Until, at a poll held in the same manner and at the same places and continued for the same time as at elections for councillors, a majority of the electors, voting at the poll, vote in favour of the by-law ; nor,

By-law to be passed within three months.

Thirdly :—Unless the by-law is passed within three months after holding the said poll.

Rev. Stat. c. 235.

Provided always that—where any city, town or village has constructed gas, electric light or water works under the authority of this Act, or under the authority of *The Municipal Water Works Act*, or under the authority of any special Act or Acts, or hereafter constructs such works under the authority of the said Acts or any future amendments of the same, and has raised the money for the purchase or construction of such works, or hereafter so raises the same by a general rate on the whole of the assessable property of the said corporation under a by-law or by-laws lawfully passed or to be passed, it shall be lawful for the council of the city, town or village from time to time to raise on the credit of the said corporation such further sums as may be necessary to extend or improve the said works or to pay the expense of any extensions, or improvements thereof already made or completed, wholly or in part, and to pass by-laws for levying on the whole rateable property of the said corporation an annual special rate sufficient to defray the yearly interest upon the sums so expended, and to form an equal yearly sinking fund for the payment of the principal within a time not exceeding thirty years nor less than five years ; and in such cases it shall not be necessary to comply with the preceding requirements of this section, or to obtain the assent of the electors or ratepayers to such by-law or by-laws, provided the same are first approved of



of by the Lieutenant-Governor in Council, it being first shewn to the satisfaction of the Lieutenant-Governor in Council that the said extensions are or were necessary, and that a sufficient additional revenue will be derived therefrom to meet the annual special rate required to pay the new debt and interest; and provided also that on the final passing of such by-law or by-laws, three-fourths of all the members of the council vote in favour of the same. R.S.O. 1897, c. 223, s. 569 (5); 62 V. (2) c. 26, s. 35 (4); 63 V. c. 33, s. 32. 2 Edw. VII. c. 29, s. 23.

(5a) No by-law of any city, town or village passed prior to the 17th day of March, 1902, creating or intending to create a debt for the erection, purchase, improvement or extension of gas, electric light or water works, and which has received the assent of the electors, or if for improvements or extensions has been approved by the Lieutenant-Governor in Council shall be quashed or shall be deemed to be invalid or illegal by reason only that the period fixed by the said by-law for the repayment of the debt thereby created exceeds twenty years, provided such period does not exceed thirty years, and to remove doubts it is hereby declared that the proviso of sub-section 5 of this section has, since the passage of *The Municipal Amendment Act, 1899*, applied to and included, and shall continue to apply to and include, villages as well as cities and towns. 2 Edw. VII. c. 29, s. 24.

By-laws respecting electric light or water works validated.

(6) If the proposed by-law is rejected at such poll, no other by-law for the same purpose shall be submitted to the electors during the current year. R.S.O. 1897, c. 223, s. 569 (6).

If by-law rejected.

(7) The foregoing subsections or any of them shall not be construed to apply to or affect the provisions contained in, any special Act obtained, or to be obtained, by any company or municipal corporation or the provisions contained in any contract existing between any municipal corporation and any company on the 1st day of April, 1899. R.S.O. 1897, c. 223, s. 569 (7); 62 V. (2) c. 26, s. 35 (2) *part*.

Proviso as to provisions in special Acts.

### *Telephone Service.*

**570.** The council of every city and town shall have power to construct, build, own, purchase, lease, rent, improve, extend, maintain, manage, conduct and carry on a telephone business and service, and all works, land, buildings, plant, machinery, conduits, materials, equipment, apparatus and appurtenances necessary therefor or thereto belonging or appertaining or that may be properly used therewith in the municipality or within two miles thereof, and for supplying the corporation or persons in the municipality or in the neighbourhood thereof with a telephone service and connection therewith, and may make a rate, charge or rent for such service and connections and for the use of transmitters and other apparatus therewith, and may require such payment to be made in advance, and may discontinue such service or the subscriber's connection

Cities and towns empowered to carry on telephone service.

connection therewith in default of such payment and may forthwith thereafter remove all transmitters, wires and other apparatus from the premises of such subscriber; and such rate, charge or rent may be collected by action as an ordinary debt, against the person owing the said rate, rent or charge or may be collected in the same manner as municipal taxes are collected against the person liable to pay the same; and the council may pass by-laws for levying an annual special rate to defray the yearly interest of the expenditure therefor and to form an equal yearly sinking fund for the payment of the principal at any time within a time not exceeding thirty years nor less than five years. R.S.O. 1897, c. 223, s. 570.

Carrying  
works over  
streets and  
private pro-  
perty.

**571.** Such corporations, or their servants under their authority, may for the purpose of laying down, taking up, erecting, constructing, examining or keeping in repair the plant, machinery, conduits, materials, poles, wires, rods, equipment, apparatus or other appliances for conducting, distributing or otherwise carrying on the said telephone business or service or connections therewith, break up, dig and trench in, upon, through, over, under and along the highways, streets, lanes, roads, squares and other public ways, passages and places in the municipality, or in, upon, through, over, under and along any private property, or may by means of conduits or upon poles or otherwise conduct or carry such plant, materials, equipment, apparatus, wires or rods through, over, under along or across such streets, lanes, roads, squares and other, public ways, passages and places in the municipality or upon private property, and may also break up, dig and trench all passages common to adjoining owners or tenants for the purpose of laying down conduits or erecting poles therein. But such corporations shall make satisfaction or compensation to the owners or proprietors of buildings or other property for all damages by them sustained in or by the exercise of any of the powers by this section granted. R.S.O. 1897, c. 223, s. 571.

By-laws, etc.  
for manage-  
ment.

**572.** Such corporations may from time to time make and enforce all necessary laws, rules and regulations for the general maintenance and management of all works plant machinery, conduits, materials, equipment, apparatus and appliances constructed, maintained and used for or with such telephone business and service, and of the connections therewith, and designating or limiting the amount or extent of transmitters, apparatus or other appliances to be furnished to persons desiring connection with the said telephone service, and for regulating and defining the duties of the officers and others employed in connection with such business or service, and for the imposition and collection of the rates or charges for supplying such service or for connection therewith and for the rent of fittings, machines, apparatus, transmitters or other things leased or supplied to subscribers, and for fixing such rates, charges and rents and the times and places when and where

where the same shall be payable; and the corporation may allow for prepayment or punctual payment such discount as they deem expedient. R.S.O., 1897, c. 223, s. 572.

**573.** Such corporations and their officers and agents shall in such telephone business and service have the like protection in the exercise of their respective offices and in the execution of their duties as municipalities or their officers now have under the laws of this Province, and if any action is brought or claim made by way of arbitration or otherwise against such corporations or against any person or persons for anything done in pursuance of such telephone business or service or the powers given for the purposes thereof, whether tort or contract, the same shall be brought within six calendar months next after the committing of the act or the discovery of the injury or damage by the injured party or the owner of the property damaged, or in case there is a continuation of damage, then within one year after the first committing of the said act or the discovery as aforesaid. R.S.O., 1897, c. 223, s. 573.

Protection of corporation and officers and limitation of actions.

#### DIV. XIV.—TREES, PLANTING, PROTECTION AND REMOVAL OF

*Encouraging planting of fruit or shade trees* Sec 574 (1),

*Removal of trees growing on streets, etc.* Sec. 574 (2).

*Trees on boundary lines.* Sec. 574 (3).

*Authorizing planting, trimming and removal of trees.* Sec. 574 (4)(b).

*Compensation to owners of trees trimmed or removed.* Sec. 575

**574.** By-laws may be passed by the councils of the municipalities and for the purposes in this section respectively mentioned, that is to say:

By-laws for

#### *Trees.*

By the councils of townships, cities, towns and villages:—

1. For allowing to any person who plants fruit trees or trees, shrubs or saplings, suitable for affording shade on any highway within the municipality, in abatement of statute labour, or out of the general fund, a sum of not less than twenty-five cents for every tree so planted.

Encouraging planting of certain trees etc.

By the councils of counties, cities, townships, towns and villages:—

2. For causing any tree, shrub or sapling, growing or planted on any public place, square, highway, street, lane, alley or other communication under its control, to be removed, if and when such removal is deemed necessary for any purpose of public improvement; but

Trees on streets.

(a)



- (a) Any owner of adjoining property shall be entitled to ten days' notice of the intention of the council to remove such tree, shrub or sapling, and shall be entitled to be recompensed for his trouble in planting and protecting the same.
- (b) No owner of adjoining property nor any pathmaster or other public officer, nor any other person, shall remove or cut down or injure such tree, shrub or sapling, on pretence of improving the public place, square, highway, street, road, lane, alley or other communication or otherwise, without the express permission of the municipal council having the control of the public place, square, highway, street, road, lane, alley or other communication.
- (c) Any council may expend money in planting and preserving shade and ornamental trees upon any public place, square, highway, street, road, lane, alley or other communication within the municipality, and may grant sums of money to any person or association of persons to be expended for the same purposes.

3. For regulating the planting of trees, shrubs or saplings upon or near the boundary lines between the lands of different owners or occupants, and the distance from said boundary lines at which trees, shrubs or saplings may without the consent of the owner or occupant of the adjoining land be planted. R.S.O. 1897, c. 223, s. 574, pars. 1-3

*[See also for power to grant bonuses for planting of trees and regulating the planting of trees on highways. R.S.O. Cap. 243, secs. 3 and 8.]*

By the councils of cities, towns and villages ;

Authorizing  
park commis-  
sioners, etc., to  
plant and trim  
trees on  
streets.

4. For authorizing the board of park management or the park commissioner, or other officer appointed by the board of park management or in case there is no board of park management by the council in that behalf, or three park directors (who may be members of the municipal council or ratepayers of the municipality or both to be appointed at the first meeting of the council in each year, by the council in that behalf,) to plant, or cause to be planted, trees upon the streets of the municipality, and in the public parks thereof and to trim, or cause to be trimmed, all trees in the public parks of the municipality, and all trees the branches of which extend over the streets thereof; and the board of park management, park commissioner or other officer or the park directors, or any of them, so appointed, shall not, nor shall such municipality be liable for injury to trees occasioned thereby, when reasonable care, skill, and judgment, have been exercised in such trimming. 3 Edw. VII. c. 18, s. 119.

5. For authorizing the board of park management, the park commissioner or other officer appointed by such Board or by the council or the park directors appointed as provided by the next preceding subsection hereof, to cut down or remove, or cause to be cut down or removed all decayed trees, and remove and transplant or cause to be removed or transplanted, any trees, shrubs or saplings growing or planted in any public park, place, square, highway, street, lane or alley, or other means of communication under its control, after giving forty-eight hours' notice of the intention to do so; and the corporation shall not, nor shall the board of park management, park commissioner or other officer or the park directors, or any of them, be liable to any owner or owners of adjoining property for any act so performed; provided that no live tree, unless within 20 feet of other trees, shall be removed without the consent of the owner of the property in front of which such tree is situate. 3 Edw. VII. c. 18, s. 120.

Powers of park commissioner to cut down trees on streets, etc.

6. In cities where there is a board of park management such board may, if so authorized by by-law of the city council, exercise any of the powers vested in the council with respect to the cutting down and removing or removing and transplanting or the trimming of trees, shrubs, or saplings in any public place, square, highway, street, lane or alley or other means of communication under the control of the council. 3 Edw. VII. c. 18, s. 121.

Board of park management to have powers of council for cutting down trees, etc.

**575.** Nothing contained in *The Ontario Tree Planting Act* shall render the municipal corporation of any city, town or village, liable to compensate the owner of property adjoining any public highway in the city, town or village for the cutting or trimming or removal of any tree upon such highway, further than as provided by subsection 2 of section 574 of this Act, provided that such cutting, trimming or removal is done under the provisions of a by-law duly passed in accordance with the powers by this Act conferred. R. S. O. 1897, c. 223, s. 575.

Limit of compensation to be paid to owners of adjoining lands for cutting or removing trees from highways.

Rev. Stat. c. 243.

#### DIV. XV.—PUBLIC PARKS AND DRIVES, INDUSTRIAL FARMS, ETC.

*Acquiring land for parks, boulevards, drives, etc. Sec. 576(1). When lands so acquired are in another municipality.*

*Sec. 576 (1a) (2).*

*Lands for industrial farm, walk, garden, etc. Sec. 576 (3).*

*Erecting buildings, etc., thereon. Sec. 576 (4).*

*Management thereof. Sec. 576 (5).*

*Power to lease. Sec. 576 (6).*

**576.** By-laws may be passed by the councils of the municipalities and for the purposes in this section respectively mentioned, that is to say:

By

By the councils of counties, cities, townships, towns and villages:—

*Acquiring land for Parks, etc.*

Acquiring  
land for parks,  
etc.

1. For entering upon, taking and using and acquiring so much real property as may be required for the use of the corporation, for public parks, squares, boulevards, and drives in the municipality and adjoining local municipalities, without the consent of the owners of such real property, making due compensation therefor to the persons entitled thereto, to be determined under the provisions of this Act, by arbitration, where the parties do not agree. R.S.O. 1897, c. 223, s. 576, par. 1.

By the Councils of cities of 40,000 inhabitants or more

Acquiring  
land for parks  
etc., in ad-  
joining  
counties.

1a. For entering upon, taking and using and acquiring so much real property as may be required for the use of the corporation for public parks, squares, boulevards and drives in any municipality (other than those mentioned in the preceding paragraph) in the same county or in adjoining counties within a radius of twenty miles from the limits of such city, if in the opinion of two-thirds of the members present at any regular meeting of the city council it is deemed desirable or necessary, without the consent of the owners of such real property, but making due compensation therefor to the persons entitled thereto, to be determined under the provisions of this Act, by arbitration, where the parties do not agree. 3 Edw. VII. c. 18, s. 122.

Where land  
expropriated  
is in an adjoin-  
ing municipi-  
ality.

2. In every case in which any municipality expropriates for such purpose lands in an adjoining or other municipality, as by either of the two next preceding paragraphs is provided the municipality so expropriating such lands shall put the same in an efficient state to be used as, and shall open the same to the general public, for the purposes of, such public parks, squares, boulevards and drives, within a reasonable time after such expropriation, and shall maintain and keep the same in an efficient state of repair; and shall provide and maintain such police protection for such public parks, squares and drives as shall be necessary for the safety of the public frequenting and using the same and the residents whose lands adjoin the lands so expropriated. R.S.O. 1897, c. 223, s. 576, par. 2; 3 Edw. VII. c. 18, s. 123.

*Industrial Farm—Exhibitions.*

By the councils of cities and towns:—

Industrial  
farms, parks  
etc.

3. For acquiring any estate in landed property within or without the city or town for an industrial farm, or for a public park, garden or walk, or for a place for exhibitions, and for the disposal thereof when no longer required for the purpose; and



and for accepting and taking charge of landed property, with-  
in or without the city or town, dedicated for a public park,  
garden or walk for the use of the inhabitants of the city or  
town.

4. For the erection thereon of buildings and fences for the  
purposes of the farm, park, garden, walk or place for ex-  
hibitions as the council deems necessary. Buildings  
thereon.

5. For the management of the farm, park, garden, walk or  
place for exhibitions and buildings. Managing the  
same.

6. For the granting of any lease or leases to any person,  
firm or corporation for any period not exceeding three years  
from the making of any such lease, of any portion of the lands so  
acquired, under the next preceding three clauses numbered  
3, 4 and 5, but not immediately required for the purposes  
therein set forth. R. S. O. 1897, c. 223, s. 576, pars. 3-6. Leasing pro-  
perty acquired  
for industrial  
farms, etc.

#### DIVISION XVI — CEMETERIES.

*Accepting or purchasing land for* Sec. 577 (1).

*Selling or leasing lots.* Sec. 577 (1) (a).

*As to cemeteries in villages.* Sec. 577 (1) (b).

*Expenses of Provincial Board of Health as to.* Sec. 577 (1) (c)

*Enlargement of cemeteries.* Sec. 577 (2).

*In case owners of land refuse to sell.* Sec. 577 (2) (a)

*Powers of arbitrators.* Sec. 577 (2) (b).

*Award to become a title deed.* Sec. 577 (2) (c).

*Certain lands not to be compulsorily taken.* 577 (2) (d).

*Award, requisites of.* Sec. 577 (2) (e).

*Section 496 (1) to apply to such lands.* Sec. 577 (2) (f).

*Annual grants to cemeteries.* Sec. 577 (3)

**577.** By-laws may be passed by the councils of townships, By-laws for.  
cities, towns and villages:—

#### *Cemeteries.*

1. For accepting or purchasing land for public cemeteries Acquiring  
land for  
as well within as without the municipality, but not within  
any

cemeteries,  
etc.  
Proviso.

any city, town or village, except as hereinafter provided, and for laying out, improving and managing the same; but no land shall be accepted or purchased for such purpose except by a by-law declaring in express terms that the land is appropriated for a public cemetery, and for no other purpose; and thereupon such land, although without the municipality, shall become part thereof, and shall cease to be a part of the municipality to which it formerly belonged; and such by-law shall not be repealed; and the trustees of any burying ground or cemetery, or the cemetery company owning any burying-ground or cemetery, may agree for the sale or transfer thereof to the municipality which desires to acquire the same; and in cases where such grounds have not been used for burials, the municipality may dispose thereof, and acquire other ground instead thereof;

Selling portion  
of such land  
for certain  
purposes.

(a) For selling or leasing portions of such land for the purpose of interment, in family vaults or otherwise, and for declaring in the conveyance the terms on which such portion shall be held;

As to ceme-  
teries in  
villages.

(b) Provided, however, that the municipal council of a village may pass a by-law for accepting or purchasing land for a public cemetery within the territorial limits of the village upon the by-law being first approved of by the local board of health, and ratified by the Provincial Board of Health; and the by-law shall thereupon be as valid and effectual as if the land was situated without the municipality;

Expenses of  
Provincial  
Board of  
Health.

(c) All expenses incurred by the Provincial Board of Health in respect of and incidental to the by-law, and whether the by-law be ratified by the Board or not, shall be paid by the village municipality to the Secretary of the Board. *See also R.S.O. Cap. 213.*

### *Enlargement of Cemeteries.*

For taking  
lands for  
enlarging  
cemeteries.

2. For the acquiring and expropriation of lands to be used for enlarging any existing public cemetery or burying-ground, but no expropriation of any land within the limits of a city shall be authorized, and as to any such enlargement in a village or town the consent of the Provincial Board of Health shall be first obtained.

Reference to  
arbitration.

(a) In case the owner of the land required refuses to sell the same, or refuses to take the price the council of the municipality is willing to pay, then in either of such cases the matter in dispute shall be referred to arbitration, and shall be proceeded with under the provisions of this Act respecting arbitrations as to compensation for lands taken.

(b)

- (b) The arbitrators shall decide whether it is necessary in <sup>Powers of</sup> the public interests that the lands should be expropriated for the aforesaid purposes or any of them, and if so decided they shall award as to the price to be paid to the owner of said lands, but the costs shall be in the discretion of the arbitrators.
- (c) If the arbitrators award that the lands shall be taken for <sup>Registration</sup> such cemetery, or burying-ground, one copy of the <sup>of award.</sup> award shall be deposited with the registrar of the county or city, as the case may be, in which the lands are situate, and shall be a valid title to the said lands.
- (d) Lands used as an orchard, pleasure ground or garden, <sup>Certain lands</sup> and lands within two hundred yards of any dwelling house, shall not be expropriated without the <sup>not to be taken</sup> consent of the owner or owners. <sup>except with</sup> <sup>consent of</sup> <sup>owner.</sup>
- (e) The award shall be in writing and the boundaries of <sup>Boundaries to</sup> the lands or premises taken shall be fully described <sup>be described</sup> therein. <sup>in award.</sup>
- (f) All the provisions of clause 1 of section 547 and of <sup>Certain sec-</sup> the clause 1 of this section shall, as far applicable, <sup>tions to apply.</sup> apply to the lands acquired under this clause.

R. S. O. 1897, c. 223. s. 577.

### *Grants to Cemeteries.*

3. For making annual or other grants of money to the <sup>Grants to</sup> owners or trustees of cemeteries situated within the municipality or any other municipality. 2 Edw. VII. c. 29, s. 19. <sup>cemeteries.</sup>

## DIVISION XVII.—FAIRS AND MARKETS.

*When by-law may be passed authorizing fairs. Sec. 578 (1)*  
*Purposes for which fairs may be held. 578 (1) (a).*  
*Rules and regulations governing. Sec. 578 (1) (b).*  
*Appointment of an officer to carry these out. Sec. 578 (1) (b).*  
*Fixing fees to be paid. Sec. 578 (1) (b).*  
*Notice of by-law to be given. Sec. 578 (1) (c).*  
*Market fees not to be levied on certain articles. Sec. 579 (1), (2).*  
*Market fees not to be levied in certain cases. Sec. 579 (3), (4).*  
*By-laws requiring weighing and measuring when not to*  
*apply. Sec. 579 (5).*

*Limit*



- Limit of time for attendance at market.* Sec. 579 (6).  
*Limit of fees which may be imposed.* Sec. 579 (7), (8), (14).  
*Sales by retail, and traffic on streets, etc.* Sec. 579 (9);  
 Sec. 580 (4).  
*Subsections 1-9 not to apply in certain cases.* Sec. 579 (10-13).  
*Further restriction as to fees which may be imposed.* Sec. 579 (14). See sec. 579 (7), (8).  
*Fees not to be charged for markets on public streets.* Sec. 579 (15).  
*Except in certain municipalities.* Sec. 579 (16).  
*Power to regulate sales when no market fees imposed.* Sec. 579 (17).  
*Inconsistent enactments to be of no effect.* Sec. 579 (18).  
*Right to lease market fees.* Sec. 579 (19).  
*Establishing markets.* Sec. 580 (1).  
*Regulating existing markets.* Sec. 580 (2).  
*Regulating buying and selling of articles or animals.* Sec. 580 (3).  
*Preventing or regulating sales in streets.* Sec. 579 (9);  
 Sec. 580 (4).  
*Regulating sale of grain, meat, farm produce, etc.* Sec. 580 (5).  
*Criers and vendors of small wares.* Sec. 580 (6).  
*Forestalling and regrating of certain articles.* Sec. 580 (7).  
*Hucksters, grocers, butchers and runners.* Sec. 580 (8).  
*Measuring and weighing lime, shingles, laths and fuel.* Sec. 580 (9).  
*Penalties for light weight and short count.* Sec. 580 (10).  
*Seizing bread, etc., of light weight or short measure.* Sec. 580 (11).  
*Regulating vehicles, vessels, etc., used in markets.* Sec. 580 (12).  
*Selling butchers' meat distrained for rent of stalls.* Sec. 580 (13).  
*Sale of fresh meat by retail.* Sec. 581 (1), (2).  
*Weighing machines.* Sec. 582 (1).

By-laws for

**578.** By-laws may be passed by the councils of counties, cities and separated towns:—

### *Public Fairs.*

Authorizing the holding, etc., of public fairs.

1. For authorizing, on petition of at least fifty qualified electors of the municipality, the holding of public fairs at one or more of the most public and convenient places not separated from the municipality for municipal purposes;

Purpose of such fairs restricted.

(a) The purpose for which such fairs may be held shall be restricted to the sale, barter and exchange of cattle, horses, sheep, pigs and articles of agricultural production or requirement.

(b)

- (b) The by-law to authorize the establishment of any such fair shall establish rules and regulations for the government of the same, and appoint a person whose duty it shall be to have them carried out, and shall also fix the fees to be paid him by persons attending the said fair. Rules to be made for governing same.
- (c) The council authorizing the establishment of a public fair shall, immediately after the passing of a by-law for that purpose, give public notice of the same. Public notice of by-law establishing same.
- R.S.O., 1897, c. 223, s. 578.

*Markets, etc.*

**579.**—(1) No municipality shall impose, levy or collect a market fee upon any wheat, barley, rye, corn, oats, or upon any other grain or upon any hay or other seed, or wool, lumber, lath, or shingles, or cordwood or other firewood, or upon dressed hogs, or cheese, or upon hay, straw or other fodder, that may be brought to market, or to the market place, for sale or other disposal, or upon the person bringing, or the vehicle in which the same is or shall be brought. R.S.O., 1897, c. 223, s. 579 (1). No market fees to be imposed on certain products.

(2) No market fee shall be charged, levied, or imposed upon or in respect of butter, eggs or poultry, honey, celery, small fruits or other articles in hand baskets, brought to market, or upon the market place, for sale, unless a convenient and fit place in which to offer or expose the same for sale is provided by the municipality, which shall afford shelter in summer, and shelter and reasonable protection from the cold in winter. Provided that in any municipality wherein the market fees had been let or sold prior to the 1st day of April, 1899, this subsection shall not apply and shall not be deemed to have applied as to honey, celery, small fruits or other articles in hand baskets until the expiration of the period for which such fees were so let or sold. R.S.O., 1897, c. 223, s. 579, (2); 62 V. (2) c. 26, s. 36. When fees may be charged on butter, etc., brought to market.

(3) Where the vendor of any article brought within the municipality in pursuance of a prior contract for the sale thereof, proceeds directly to the place of delivery thereof, under such contract, without hawking the same upon the streets or elsewhere in the municipality, it shall not be lawful to impose, levy or collect a market fee thereon, or in respect thereof, or on the vehicle in which the same is so brought. Fees not to be charged on articles delivered in pursuance of prior contract.

(4) Where there is no prior contract as mentioned in the preceding subsection, no market fee shall be imposed, levied or collected upon or in respect of any article brought into any municipality after the hour of ten o'clock in the forenoon, nor on or in respect of any vehicle in which such article is so brought, unless such article is offered or exposed for sale upon the market place of the municipality. When fees not to be charged, though no prior contract.

Restriction as to by-laws requiring articles to be weighed or measured.

(5) No by-law shall require hay, straw or other fodder to be weighed, or wood to be measured, where neither the vendor nor purchaser desires to have the same so weighed or measured.

Limit of time for enforced attendance to sell goods on market.

(6) After nine o'clock in the forenoon, between the 1st day of April and the 1st day of November, and after ten o'clock in the forenoon, between the 1st day of November and the 1st day of April, no person shall be compelled to remain on any market place with any article which he may have been exposing or offering for sale in such market place, but may, after the expiration of such hour, proceed to sell such article elsewhere than in or on said market place; Provided that such person has paid the market fee on or in respect of such article, or the vehicle in which the same is contained.

Scale of market fees.

(7) No market fees shall be imposed by any municipality higher than those contained in the following scale:

Upon articles brought to the market place in a vehicle drawn by two horses, upon which fees may be imposed, not more than ..... 10 cents.  
 Upon articles brought to the market place in a vehicle drawn by one horse, not more than ..... 5 cents.  
 Upon articles brought to the market place by hand or in any basket or vessel, not more than .... 2 cents.  
 Upon or in respect of live stock driven to or upon the market place for sale, as follows:  
 Every horse, mare, or gelding, not more than .. 10 cents.  
 Every head of horned cattle, not more than ..... 5 cents.  
 Every sheep, calf, or swine, not more than ..... 2 cents.

Scale of fees for weighing or measuring

(8) No fee shall be imposed or levied by any municipality for weighing or measuring greater than as follows:

For weighing a load of hay ..... 15 cents.  
 For weighing slaughtered meat, or grain, or other articles exposed for sale, under one hundred pounds..... 2 cents.  
 Over one hundred pounds, and up to one thousand pounds ..... 5 cents.  
 Over one thousand pounds ..... 10 cents.  
 For weighing live animals, other than sheep or pigs, per head ..... 3 cents.  
 Sheep or pigs, if more than five, per head ..... 1 cent.  
 If less than five, for the lot ..... 4 cents.  
 For measuring a load of wood ..... 5 cents.

Regulation of sale and traffic.

(9) Subject to the other provisions of this section, the municipality may regulate the sale by retail in the public streets, or on vacant lots adjacent thereto, of any of the articles herein mentioned, and may regulate traffic in the streets, and may prevent the blocking up of the same by vehicles or otherwise. [See s. 515 (4).]



(10) The preceding nine subsections shall not apply to any municipality which passes, and so long as it keeps in force, a by-law providing that the vendors of any articles in respect of which a market fee may, under this Act, be lawfully imposed, may, without paying market fees, offer for sale and sell or otherwise dispose of any such articles, at any place within the municipality, excepting only at and upon the market place or places thereof.

Preceding section not to apply where by-law in force allowing sale, except at the market, without payment of fees;

(11) Such by-law may, nevertheless, provide for the imposition and collection of market fees from such vendors of articles in respect of which a market fee may now be imposed, under this Act, as voluntarily use the market place for the purpose of selling such articles.

but such by-law may impose fees on persons voluntarily using market;

(12) The by-law may also provide for the imposition upon and collection of market fees from any person who shall remain, or cause his vehicle to remain upon that part of any street immediately adjoining or surrounding or being within 100 yards of the market place, for the purpose of selling upon such street or street such articles, so as to obtain the advantages of the said market place, but driving through or across such portions of streets shall not of itself be deemed sufficient ground for the imposition of any fee; but this subsection shall not apply to grain, seeds, dressed hogs or wool.

and on others taking advantage of market.

(13) The by-law shall not prevent the sale of any such articles to any person carrying on business and having an actual and *bona fide* store, shop or other similar place of business, on those portions of the streets in the next preceding subsection mentioned; nor shall the by-law authorize the imposing or levying of any fee in respect of any article so sold, or of any vehicle in which the same is contained.

By-law not to interfere with sales to persons carrying on business in vicinity of market.

(14) It shall not be lawful for any municipality passing such by-law to impose a higher tariff or greater fee upon any article or vehicle than is provided for in subsection 7 of this section.

Restriction on fees.

(a) In any municipality which under subsection 19 of this section, had, on or before the 30th day of March, 1897, leased, assigned or sold its market fees, the preceding subsection 14 shall come into force and operation only upon the termination of the period for which such fees have been leased, assigned or sold.

Where municipality has sold or leased market fees.

(15) No market fee shall be levied, collected or imposed by any municipality in respect of any market place or market, or any portion of any such market place or market hereafter established, declared or made in, on, or out of any street or part of any street within said municipality:

Fees not to be charged on markets made in streets.

Provided always that this subsection shall not apply to so much of any street as immediately adjoins and abuts upon any market square, either now or hereafter established as a market place.

(16)

Preceding section not to apply when no fees are charged.

(16) The preceding 6 subsections shall not apply to any municipality where no market fees were charged or imposed on the 10th day of March, 1882, but subsections 1 to 9, and 17 and 18 of this section shall apply to such municipality in the event of market fees being thereafter charged or imposed therein.

Power to regulate sales when no fees are charged.

(17) Nothing in the preceding 16 subsections contained shall prevent any municipality wherein no market fees are imposed or charged from regulating the sale and the place of sale of any articles within the municipality to the same extent as it might do before the 10th day of March, 1882:

Provided always that market fees within the meaning of this subsection shall not include fees for weighing or measuring;

Provided further, that after nine o'clock in the forenoon, between the 1st day of April and the 1st day of November, and after ten o'clock in the forenoon, between the 1st day of November and the 1st day of April, no person shall be compelled to remain on, or resort to, any market place with any articles which he may have for sale, but may, after the expiration of such hour, sell or dispose of such articles elsewhere than in or on said market-places.

Inconsistent enactments to be of no effect.

(18) When and so long as subsections 1 to 9 or subsections 10 to 15 of this section are in force and apply to any municipality, so much of any Act or law as may be contrary to, and as conflicts with the same, shall not be in force in or apply to such municipality.

Right to lease market fees.

(19) Subject to the provisions of the last preceding 18 subsections, every municipality shall have the power to sell, assign, or lease its market fees. R. S. O., 1897, c. 223, s. 579 (3)-(19).

Market by-laws.

**580.** Subject to the restrictions and exceptions contained in the last preceding section, the council of every city, town and village may pass by-laws:

Establishing markets.

1. For establishing markets;

Regulating markets.

2. For regulating all markets established and to be established; the places, however, already established as markets in the municipality, shall continue to be markets, and shall retain all the privileges thereof until otherwise directed by competent authority; and all market reservations or appropriations heretofore made in any such municipality shall continue to be vested in the corporation thereof.

Old markets continued.

Regulating sales, etc.

3. For preventing or regulating the buying and selling of articles or animals exposed for sale or marketed.

Regulating vending in streets, etc.

4. For preventing or regulating the sale by retail in the public streets, or vacant lots adjacent thereto, of any meat, vegetables, grain, hay, fruit, beverages, small-ware, and other articles offered for sale. *See also sec. 579 (9).*

5. For regulating the place and manner of selling and weighing grain, meat, vegetables, fish, hay, straw, fodder, wood, lumber, shingles, farm produce of every description, small-ware and all other articles exposed for sale, and the fees to be paid therefor. Sale of grain, meat, farm produce, small-ware, etc.

6. For preventing criers and vendors of small-wares from practising their calling in the market place, or on public streets or on any vacant lot adjacent to the market place or to a public street. R.S.O. 1897, c. 223, s. 580, pars. 1-6; 3 Edw. VII, c. 18, s. 124. Criers and vendors of smallwares.

7. For preventing the forestalling, regrating or monopoly of market grains, wood, meats, fish, fruits, roots, vegetables, poultry and dairy products, eggs and all articles required for family use, and such as are usually sold in the market. Preventing forestalling, etc.

Provided always that farmers and other producers may sell such produce and articles at stores and shops in the municipality at any hour of the day. Proviso.

8. For preventing and regulating the purchase of such things by hucksters, grocers, butchers or runners. Regulating hucksters, etc.

9. For regulating the measuring or weighing (as the case may be) of lime, shingles, laths, cordwood, coal and other fuel. Measuring, etc., certain articles.

10. For imposing penalties for light weight or short count or short measurement in anything marketed. Penalties for light weight, etc.

11. For seizing and forfeiting bread or other articles when of light weight or short measurement. Light weight and short measure.

12. For regulating all vehicles, vessels, and all other things in which anything is exposed for sale or marketed and for imposing a reasonable duty thereon, and establishing the mode in which it shall be paid. Regulating vehicles used in market vending.

13. For selling, after six hours' notice, butchers' meat distrained for rent of market stalls. R. S. O., 1897, c. 223, s. 580, par. 7-13. Sale of meat, distrained.

**581.**—(1) Subject to the restrictions and exceptions contained in section 579, the council of every town and village, and of every city having less than 100,000 inhabitants, and the Board of Commissioners of Police in every city having 100,000 inhabitants or more, may pass by-laws Regulating sale of meat.

For granting annually, or oftener, licenses for the sale of fresh meat in quantities less than by the quarter carcass, and for regulating such sale, and fixing and regulating the places where such sale shall be allowed, and for enforcing the payment of the sums fixed by the by-laws of the council of the municipality to be paid for such licenses, and for preventing the sale of fresh meat in quantities less than by the quarter carcass, unless by a person holding a valid license and in a place authorized by the council; but nothing herein contained shall affect the powers conferred in clauses 5 and 6 of section 580.

Provided that this subsection shall not be qualified as respects shops or stalls occupied by butchers or others, for the sale Proviso.



of fresh meat in quantities less than by the quarter carcass within the said municipality by anything contained in clauses 1 to 9 and 17 of section 579 of this Act.

(2) Subject to the restrictions and exceptions contained in section 579, the council of every city, town and village may pass by-laws :

For fixing the sums to be paid for licenses required under by-laws passed under the preceding subsection, not exceeding \$50 in cities and \$25 in towns and villages for each such license. R. S. O., 1897, c. 223, s. 581.

### *Weighing Machines.*

**By-laws for** **582.** The councils of townships, cities, towns and villages may pass by-laws :—

Erecting and  
maintaining  
weighing  
machines.

1. For erecting and maintaining weighing machines in villages or other convenient places, and charging fees for the use thereof, not being contrary to the limitations provided by subsection 8 of section 579 of this Act. R. S. O., 1897, c. 223, s. 582.

### DIVISION XVIII.—REGULATION OF TRADE.

*Assize of bread.* Sec. 583 (1).

*Auctioneers.* Sec. 583 (2), (3).

*Bagatelle and billiard tables.* Sec. 583 (4, 5).

*Bill posters.* Sec. 583 (6, 7).

*Exhibitions of Wax-work, Menageries, Circuses, Roller-rinks, etc.* Sec. 583 (8, 9).

*Exhibitions for hire and profit—Bowling Alleys.* Sec. 583 (10, 11).

*Ferries.* Sec. 583 (12, 13).

*Hawkers, Pedlars and Petty Chapmen.* Sec. 583 (14, 15, 16).

*Intelligence Offices.* Sec. 583 (17)-(21).

*Junk shops.* Sec. 583 (22), (22a).

*Milk Dealers.* Sec. 583 (23, 24).

*Plumbers.* Sec. 583 (25, 26).

*Electrical Workers.* Sec. 583 (26a), (26b).

*Runners for vehicles, vessels, taverns, etc.* Sec. 583 (27).

*Tobacconists.* Sec. 583 (28, 29).

*Transient Traders.* Sec. 583 (30)-(33).

*Victualling houses.* 583 (34)-(36).

*Vehicles used for hire—Livery Stables, etc.* Sec. 583 (37, 38), 584.

*Laundrymen.* Sec. 583 (39), (40).

*Trading Stamps.* Sec. 583 (41).

*As to Cities of 100,000 and over.* Sec. 585.

**By-laws for**

**583.** By-laws may be passed by the councils of the municipalities or Boards of Commissioners of Police and for the purposes in this section respectively mentioned, that is to say :

*Assize*

*Assize of Bread.*

By the councils of cities, towns and villages :—

1. For regulating the assize of bread. Provided however <sup>Assize bread.</sup> that no such by-law shall apply to bread or the sale thereof in loaves to which are attached labels showing the weight to be not more than the actual weight of the same. R. S. O., 1897, c. 223, s. 583 (1); 1 Ewd. VII. c. 26, s. 25. *See sec. 580 (11).*

*Auctioneers.*

By the councils of counties and separated towns and of cities having less than 100,000 inhabitants, and by the Boards of Commissioners of Police in cities having 100,000 inhabitants or more :—

2. For licensing, regulating and governing auctioneers and other persons selling or putting up for sale goods, wares, merchandise or effects by public auction, and for prohibiting the granting of such license to any applicant who is not of good character, or whose premises are not suitable for the business or upon residential or other streets in which in the opinion of the council or board it is not desirable that the business of auctioneer should be carried on, such disqualifications to be determined by such means as the by-law provides; and for determining the time such license shall be in force; but no such by-law shall apply to or affect a bailiff offering for sale goods or chattels seized as a distress for rent; and such bailiff shall not require any license to entitle him to sell such distrained goods or chattels by public auction to satisfy such rent and the cost of seizure and sale. [See sec. 585.] <sup>Licensing, etc., auctioneers.</sup>

By the councils of counties, cities and separated towns :—

3. For fixing the sums to be paid for licenses required <sup>Fees.</sup> under by-laws passed under the preceding clause 2. (*Ib.*)

*Bagatelle and Billiard Tables.*

By the councils of townships, cities, towns and villages, and of cities having less than 100,000 inhabitants, and by the Board of Commissioners of Police in cities having 100,000 inhabitants or more :—

4. For licensing, regulating and governing all persons who for hire or gain, directly or indirectly keep, or have in their possession, or on their premises any billiard or bagatelle table, or who keep or have a billiard or bagatelle table in a house or place of public entertainment or resort, whether such billiard or bagatelle table is used or not, and for determining the time during which licenses shall be in force. [See sec. 585.] <sup>Billiard and bagatelle tables.</sup>

By the councils of townships, cities, towns and villages :—

Fees.

5. For fixing the sums to be paid for licenses required under by-laws passed under the preceding clause 4. R. S. O., 1897, c. 223, s. 583, pars. 2-5.

*Bill Posters.*

By the councils of counties and separated towns and of cities having less than 100,000 inhabitants and by the Board of Commissioners of Police in cities having 100,000 inhabitants or more :—

Bill-posters.

6. For licensing, regulating, and governing bill posters, and bill distributors and for determining the time during which licenses shall be in force, and for preventing the posting up or distributing in the said municipality of posters, pictures or hand bills which shall, in the opinion of the Police Commissioners, the Chief of Police, the Deputy Chief of Police or any officer specially detailed for that purpose by the Police Commissioners, be indecent. R. S. O., 1897, c. 223, s. 583 par. 6; 63 V. c, 33, s. 34; 2 Edw. VII., c. 29, s. 26. [See sec. 585.]

By the councils of counties, cities and separated towns :—

Fees.

7. For fixing the sums to be paid for licenses required under by-laws passed under the preceding clause 6.

*Exhibitions, Places of Amusement, etc.*

By the councils of townships, towns and villages and of cities having less than 100,000 inhabitants and by the Board of Commissioners of Police in cities having 100,000 inhabitants or more :—

Regulating public shows, and licensing same.

8. For preventing or regulating and licensing exhibitions of wax work, menageries, circus-riding and other such like shows usually exhibited by showmen, and for regulating and licensing roller skating rinks and other places of like amusement; and for imposing fines, to an amount not exceeding the amount of the license fee, on persons infringing such by-laws; and for levying the same by distress and sale of the goods and chattels of such showman or belonging to or used in such exhibition, whether owned by such showman or not, or for the imprisonment of such offenders for any term not exceeding one month;

Fines for infraction.

Licenses not to be granted for certain times and places.

(a) It shall not be lawful to grant licenses or license certificates to persons having exhibitions of any work or circus-riding, or other shows of a like character, or places of gambling, or to those engaged in traffic for gain in fruits, goods, wares, or merchandise of any description, on the days of the exhibition of any district or township agricultural society, either on the grounds of such society, or within the distance of 300 yards from such grounds. [See sec. 585.]

By



By the councils of townships, cities, towns and villages:—

9. For fixing the sums to be paid for licenses required under <sup>Fees</sup> by-laws passed under clause 8 not exceeding \$500 for each such license. R.S.O., 1897, c. 223, s. 583, pars. 7-9.

By the councils of townships, towns and villages and of cities having less than 100,000 inhabitants, and by the Board of Commissioners of Police in cities having 100,000 inhabitants or more:—

10. For preventing or regulating and licensing exhibitions <sup>Exhibitions.</sup> held or kept for hire or profit, theatres, music halls, bowling <sup>Bowling</sup> alleys and other places of amusement. R.S.O., 1897, c. 223, s. 583, par. 10; 63 V. c. 33, s. 33. [See sec. 585.] <sup>alleys.</sup>

By the councils of townships, cities, towns and villages:—

11. For fixing the sums to be paid for licenses required <sup>Fees.</sup> under by-laws passed under the preceding clause 10.

### *Ferries.*

By the councils of counties, townships, separated towns and of cities having less than 100,000 inhabitants, and by the Boards of Commissioners of Police in cities having 100,000 inhabitants or more:—

12. For licensing and regulating ferries subject to the pro- <sup>Ferries.</sup> visions of *The Act respecting Ferries*. [See also R.S.O. Cap. 139, Secs. 14 and 15.]

By the councils of counties, townships, cities and separated towns:—

13. For fixing the sums to be paid for licenses required <sup>Fees.</sup> under by-laws passed under the preceding clause 12.

[For powers as to granting aid to ferries see s. 591b.]

### *Hawkers and Pedlars.*

By the councils of counties and towns, and of cities having less than 100,000 inhabitants, and by the Board of Commissioners of Police in cities having 100,000 inhabitants or more:—

14. For licensing, regulating and governing hawkers, pedlars <sup>Hawkers,</sup> or petty chapmen, and other persons carrying on petty trades, <sup>petty chap-</sup> or who go from place to place or to other men's houses, on foot, <sup>men, etc.</sup> or with any animal, bearing or drawing any goods, wares, or merchandise for sale or in or with any boat, vessel, or other craft, or otherwise carrying goods, wares, or merchandise for sale, and for determining the time during which the license shall be in force;

Provided always that no such license shall be required for <sup>Proviso.</sup> hawking, peddling or selling from any vehicle or other conveyance any goods, wares or merchandise to any retail dealer,  
or

or for hawking or peddling any goods, wares or merchandise, the growth, produce or manufacture of this Province, not being liquors within the meaning of the law relating to taverns or tavern licenses, if the same are being hawked or peddled by the manufacturer or producer of the goods, wares or merchandise, or by his *bona fide* servants or employees having written authority in that behalf; and such servant or employer shall produce and exhibit his written authority when required so to do by any municipal or peace officer:

Proviso.

And provided also that nothing herein contained shall affect the powers of any council to pass by-laws, under the provisions of sections 579 to 582 and clause 30 of this section.

Interpretation  
"Hawkers."

(a) The word "hawkers" in this clause shall include all persons who, being agents for persons not resident within the county, sell or offer for sale tea, dry goods, watches, plated ware, silver ware, furniture, carpets, upholstery, millinery or jewellery, or carry and expose samples or patterns of any of such goods to be afterwards delivered within the county to any person not being a wholesale or retail dealer in such goods, wares or merchandise.

(b) The provisions of any by-law passed or enacted by any municipal council prior to the first day of October, 1885, shall not be held as extending to any persons who, by this clause are to be held as included within the meaning of the word "hawkers."

Powers of  
towns not  
separated from  
counties as to  
hawkers' and  
pedlars'  
licenses.

(c) The council of any town not separated from a county for municipal purposes, may pass by-laws to carry into effect the purposes or objects of this clause, and may therein declare that the county by-laws passed under this clause, shall not apply to or be in force in said town while the said by-law of the town remains in force, and thereafter no such county by-law shall have effect in the said town during such time. R.S.O., 1897, c. 223, s. 583, pars. 11-14. [See sec. 585.]

By the councils of counties:—

Supplying  
licenses.

15. For providing at the discretion of the council, either the treasurer or clerk of the county, or the clerk of any municipality within the county with licenses required under by-laws passed under clauses 2 and 14, for sale to persons applying for the same under such regulations as may be prescribed in such by-laws. R.S.O., 1897, c. 223, s. 583, par. 15; 62 V. (1) c. 2, *Sched.* (13),

By the councils of counties, cities and towns:—

Fees.

16. For fixing the sums to be paid for licenses required under by-laws passed under clause 14, but in cities having a population of 100,000 or over the license fee shall not be more than

than \$50 for a two-horse waggon, \$30 for a one-horse waggon, \$15 for a push-cart, \$10 for one carrying a pack, and \$1 for one carrying a basket, and every such licensee shall at all times whilst carrying on his business have his license with him and shall upon demand exhibit the same, and upon failing to exhibit the same when demanded shall, unless the same is accounted for satisfactorily, be liable to a penalty of not less than \$1 nor more than \$5, together with costs recoverable before a Justice of the Peace. R. S. O., 1897, c. 223, s. 583, par. 16; 62 V. (1) c. 2, *Sched.* (14); 63 V. c. 33, s. 35.

### *Intelligence Offices.*

By the councils of counties, townships, towns, and villages and of cities having less than 100,000 inhabitants and by the Board of Commissioners of Police in cities having 100,000 inhabitants or more:—

17. For licensing and regulating suitable persons to keep intelligence offices, for registering the names and residences of, and giving information to, or procuring servants, labourers, workmen, clerks or other employees for employers in want of the same, and for registering the names and residences of, and giving information to, or procuring employment for domestic servants and other labourers and any other class of servant, workman, clerk or person seeking employment, and for fixing the fees to be charged and recovered by the keepers of such offices; Licensing intelligence offices.

18. For the regulation of such intelligence offices; Regulation

19. For limiting the duration of or revoking any such license; Duration of license

20. For prohibiting the opening or keeping of any such intelligence office within the municipality without license. [*See* *sec 585.*] Prohibition if no license.

By the councils of counties, townships, cities, towns and villages:—

21. For fixing the fee (not exceeding \$10 for one year) to be paid for every license required under by-laws passed under clauses 17 to 20. R.S.O., 1897, c. 223, s. 583, pars. 17-21. Fees.

### *Junk and Second-hand Shops.*

By the councils of counties and separated towns and by the Board of Police Commissioners in cities.

22. For licensing and regulating junk stores or shops, and second-hand shops and dealers in second-hand goods, and for revoking and cancelling the license of any person convicted of a second offence against such by-law or convicted of an offence against part 25 of *The Criminal Code, 1892.* Licensing and regulating junk shops, etc.

By



By the councils of counties, cities and separated towns.

22a. For fixing the fee (not to exceed \$20 for one year) to be paid for every license required under by-laws passed under the preceding clause 22. 62 V.(2) c. 26, s. 37.

*Milk Dealers.*

By the councils of townships, towns and villages, and of cities having less than 100,000 inhabitants and by the Board of Commissioners of Police in cities having 100,000 inhabitants or more :—

23. For licensing and regulating milk vendors.

- (a) Every applicant for a license under any such by-law shall be entitled thereto upon the production of a certificate signed by the secretary of the Local Board of Health of the municipality in which such applicant resides that he has complied, in all respects, with the provisions of section 10 of the by-law set out in Schedule "B" to *The Public Health Act*.
- (b) The premises of every person licensed under a by-law passed in pursuance of this paragraph shall at all times be open to inspection by any medical health officer or sanitary inspector of the municipality granting such license.
- (c) A license granted under any such by-law may be suspended for non-compliance with the provisions of section 10 of the said by-law, set out in Schedule B to *The Public Health Act*, by the Local Board of Health of the municipality issuing the license, and unless removed by the Provincial Board of Health, as hereinafter mentioned, such suspension shall continue until such Local Board is satisfied that the provisions of the said section 10 are duly complied with ; but where the licensee does not reside in the municipality granting the license such suspension shall not take place until the medical health officer or a sanitary inspector of the Local Board of the municipality granting the license and a medical health officer or a sanitary inspector of the municipality in which the premises of the licensee are situate, have together examined the premises of the licensee, and it shall be the duty of such medical health officer or sanitary inspector to make such joint examination within twenty-four hours after being required to do so by the chairman of the Local Board of Health of the municipality issuing the license, and if no medical health officer or sanitary inspector of the municipality

pality

Licensing  
milk vendors.  
Certificate of  
Local Board  
of Health.

Rev. Stat.  
s. 248.

Inspection of  
premises.

Joint  
inspection.

pality in which the premises of the licensee are situate shall join in making such examination within twenty-four hours after being so required, the Board of Health of the municipality granting the license may act without any report of such medical health officer or sanitary inspector.

(d) If such medical health officer or sanitary inspector of the municipality in which the licensee resides shall join in the inspection, but shall not concur in the suspension of the license, no such suspension shall take place unless it shall first be sanctioned by the Secretary of the Provincial Board of Health. Concurrence in suspension.

(e) Any licensee whose license has been suspended by a Local Board of Health shall have the right to appeal to the Provincial Board of Health against any such suspension, and such appeal shall be heard upon two days' notice in writing being given to the Board of Health of the municipality granting the license, and the decision of the Provincial Board of Health shall be final. Appeal to Provincial Board of Health.

(f) Notice of the action of the Provincial Board of Health shall be given in writing, by the Secretary thereof, to each of the parties concerned, and no new license shall be granted to the holder of the suspended license until the suspension is removed, or the conditions imposed by the Provincial Board of Health have been complied with. 63 V., c. 33, s. 37. Notice of decision.

By the councils of counties, townships, cities, towns and villages:—

24. For fixing the fee (not to exceed \$1 for one year) to be paid for every license required under by-laws passed under the preceding clause 23. Fees

[As to frauds in sale of milk, see R. S. O. Cap. 252.]

#### *Plumbers.*

By the councils of townships, towns and villages, and of cities having less than 100,000 inhabitants, and by the Board of Commissioners of Police in cities having 100,000 inhabitants or more:— Licensing plumbers.

25. For licensing and regulating plumbers. Fees.

By the councils of townships, cities, towns and villages:—

26. For fixing the sums to be paid for licenses required under by-laws passed under the preceding clause 25. R. S. O. 1897, c. 223, s. 583, pars. 24-26.

By

*Electrical Workers.*

By the councils of towns and of cities having less than 100,000 inhabitants, and by the Board of Commissioners of Police in cities having 100,000 inhabitants or more :—

By-laws re-  
specting elec-  
trical workers.

26a. For examining, licensing and regulating electrical workers.

By the councils of cities and towns :—

26b. For fixing the sums to be paid for licenses required under by-laws passed under the preceding clause 26a. 2 Edw. VII., c. 29, s. 27.

*Runners.*

By the councils of cities, towns and villages :

Importuning  
travellers.

27. For preventing persons in streets or public places from importuning others to travel in or employ any vessel or vehicle, or go to any tavern or boarding house, or for regulating persons so employed. R.S.O., 1897, c. 223, s. 583, par. 27.

*Tobacconists.*

By the councils of towns and villages, and of cities having less than 100,000 inhabitants, and by the Board of Commissioners of Police in cities having 100,000 inhabitants or more :—

Regulating  
sale of tobacco.

Rev. Stat.  
c. 245.

Revocation of  
licenses to  
tobacconists,  
etc.

28. For licensing and regulating the owners and keepers of stores and shops other than taverns and shops holding licenses under *The Liquor License Act* where tobacco, cigars or cigarettes are sold by retail, and for revoking any license so granted whenever the council or board deems such revocation desirable, without stating any reason therefor, but in the case of the revocation of a license under any such by-law, the treasurer of the municipality shall refund to the licensee such proportionate part of the license fee as will represent the unexpired portion of the term for which the license was granted. R.S.O., 1897, c. 223, s. 583, par. 28 ; 63 V., c. 33, s. 39.

By the councils of cities, towns and villages :—

Fees.

29. For fixing the sums to be paid for licenses required under by-laws passed under the preceding clause 28.

*Transient Traders.*

By the councils of townships, towns and villages, and of cities having less than 100,000 inhabitants, and by the Board of Commissioners of Police in cities having 100,000 inhabitants or more :—

Regulating  
transient  
trades.

30. For licensing, regulating and governing transient traders and other persons who occupy premises in the city town



town, village, or township, for temporary periods, and whose names have not been duly entered on the assessment roll of the municipality in respect of income or personal property for the then current year; and who may offer goods or merchandise of any description for sale by auction, or in any other manner conducted by themselves or by a licensed auctioneer or otherwise.

- (a) No such by-law shall affect, apply to, or restrict the sale of the stock of an insolvent estate which is being sold or disposed of within the county in which the insolvent carried on business therewith at the time of the issue of an attachment or of the execution of an assignment.

31. For requiring all transient traders who occupy premises in the municipality, and are not entered upon the assessment roll or who may be entered for the first time upon the assessment roll of such municipality, in respect of income or personal property, and who may offer goods or merchandise of any description for sale by auction, or in any other manner, conducted by themselves or by a licensed auctioneer, or by their agent or otherwise, to pay a license fee before commencing to trade.

Licensing  
transient  
traders.

- (a) No such by-law shall affect, apply to, or restrict the sale of the stock of an insolvent estate which is being sold or disposed of within the local municipality in which the insolvent carried on business therewith, at the time of the issue of an attachment or of the execution of an assignment.

- (b) The words "transient traders" wherever they occur in clauses 30 and 31 of this section, shall extend to and include any person commencing in the municipality the business in the said clauses mentioned, who has not resided continuously in such municipality for a period of at least three months next preceding the time of the commencement by him of such business therein.

Meaning of  
words "tran-  
sient traders."

By the councils of townships, cities, towns and villages:—

32. For fixing the sums to be paid for licenses required under Fees.  
by-laws passed under the preceding clause 30.

33. For fixing the sums to be paid for licenses required under Fees.  
by-laws passed under the preceding clause 31, not exceeding in cities and towns \$250 and in other municipalities \$100 for each license; and for providing that the sum so paid for a license shall be credited to the trader paying the same upon and on account of taxes for the unexpired portion of the then current year, as well as any subsequent taxes, should such trader remain in the municipality a sufficient time for taxes to become due and payable by him, and in any other event to be taken and used

used by the municipality as a portion of the license fund of such municipality;

Provided, nevertheless, that the license fee imposed by any by-law of any village situate within any territorial district may be a sum not exceeding \$200.

*Victualling Houses, etc.*

By the councils of townships, towns and villages, and of cities having less than 100,000 inhabitants, and by the Board of Commissioners of Police in cities having 100,000 inhabitants or more :—

Victualling  
houses, etc.,  
number and  
regulation of.

34. For limiting the number of and regulating victualling houses, ordinaries, and houses where fruit, oysters, clams or victuals are sold to be eaten therein, and all other places for lodging, reception, refreshment or entertainment of the public. R.S.O., 1897, c. 223, s. 583, pars. 29-34.

Licensing  
same.  
By-laws for  
revocation of  
licenses to  
tobacconists  
and eating  
houses.

35. For licensing the same where no other provision exists therefor, and for revoking any license so granted whenever the council or board deems such revocation desirable without stating any reason therefor, but in the case of the revocation of a license under any such by-law, the treasurer of the municipality shall refund to the licensee such proportionate part of the license fee as will represent the unexpired portion of the term for which the license was granted. R.S.O., 1897, c. 223, s. 583, par. 35; 62 V. (2) c. 26, s. 37 (2).

By the councils of townships, cities, towns and villages :—

Fees.

36. For fixing the sums to be paid for licenses required under by-laws passed under the preceding clause 35, not exceeding \$20 for each license. R.S.O., 1897, c. 223, s. 583, par. 36.

*Vehicles used for Hire—Livery Stables.*

By the councils of towns and villages.

By-laws for  
regulating  
teamsters, etc.

37. For regulating and licensing teamsters, carters and draymen, and regulating the charges for the conveyance of goods or for other services and for regulating and licensing the drivers of cabs and other vehicles for hire. R.S.O., 1897, c. 223, s. 583, par. 37; 63 V. c. 33 s. 36.

Regulating  
and licensing  
livery stables,  
cabs, etc.

38. For regulating and licensing the owners of livery stables, and of horses, cabs, carriages, omnibuses and other vehicles for hire; for establishing the rates of fares to be taken by the owners or drivers, and for enforcing payment thereof, and for defining localities or districts within the limits of which no livery or boarding stable shall thereafter be established. R.S.O., 1897, c. 223, s. 583, par. 38.

[As to the regulating, etc., of livery stables and vehicles in cities, see sec. 484.]

*Laundrymen*

*Laundrymen.*

By-laws may be passed.

By the councils of towns and of cities having less than 100,000 inhabitants and by the Board of Commissioners of Police in cities having 100,000 inhabitants or more.

39. For licensing and regulating laundrymen and laundry companies and for inspecting and regulating laundries, but no such by-law shall apply to or include women carrying on the laundry business in private dwelling houses, and employing female labour only, nor shall any such by-law apply to or include such private dwelling houses. Licensing,  
etc., of laun-  
dries.

By the councils of cities and towns.

40. For fixing the sums to be paid for licenses required under by-laws passed under the preceding paragraph 39.

*Trading Stamps, Coupons, etc.*

By the council of Cities, Towns and Villages.

41. For prohibiting the giving, selling, distributing or receiving of trading stamps, coupons, or other similar devices, and for prohibiting the giving, selling or dealing therewith by any person, firm, or corporation engaged in trade or business. Trading  
stamps and  
coupons.

(a) No such by-law shall apply to any merchant or manufacturer who places in or upon packages of goods or delivers to the purchasers of goods sold or manufactured by him, tickets or coupons to be redeemed by such merchant or manufacturer either in money or merchandise. 1 Edw. VII. c. 26. s. 26.

**584.** The council of every county, having county gravel or macadamized roads within its jurisdiction, and under its immediate control, which are being kept up and repaired by municipal taxation, and upon which no toll is collected, shall have power to pass by-laws, Powers of  
counties as to  
regulation of  
traffic on cer-  
tain county  
roads.

(a) For regulating and licensing the owners of livery stables, and of horses, cabs, carriages, omnibuses, and all other vehicles used or kept for hire; Licensing  
livery stables.

(b) For issuing and regulating teamsters' licenses; Teamsters.

(c) For enforcing the payment of the fees for such licenses;

(d) For establishing and regulating the rates of fare that may be collected or taken by the owners or drivers of such vehicles for the conveyance of goods or passengers and; Rates of Fare.

(e) For regulating the conveyance of traffic on such roads and the width of tire on the wheels of all vehicles used for the conveyance of articles of burden, goods, wares, or merchandise on such roads. Tires.

(f) For regulating the use of lock shoes on vehicles used on such roads. R.S.O., 1897, c. 223, s. 584; 3 Edw. VII. c. 18, s. 125. Lock shoes



Transferring  
licensing  
powers from  
council to  
police com-  
missioners.

**585.** In cities having a population of 100,000 or more, the Board of Commissioners of Police shall have full power to license, regulate and govern each person engaged in any of the businesses or employments in respect to which the Board has power under this Act to pass by-laws whether the full power to license, regulate and govern was prior to April 7th, 1896, possessed by the councils of such cities or not; but the council of every such city shall subject to the limitations contained in this Act have the power, by by-law, to fix the fees to be paid for licenses required under the by-laws of the Boards of Commissioners of Police passed under sections 581 and 583 of this Act; and any moneys derived from such licenses shall be handed over by such Board to the treasurer of the city to form part of the revenue thereof. R.S.O., 1897, c. 223, s. 585.  
*See also sec. 329.*

#### DIVISION XIX.—NUISANCES.

*Nuisances generally. Sec. 586, (1), (2).*

*Hauling offensive things by daylight. Sec. 586 (1a).*

*Gas works, tanneries, distilleries. Sec. 586, (3).*

*Slaughter houses. Sec. 586, (3), (4).*

*Tanneries, rag, bone or junk shops. Sec. 586, (5).*

*Smoke from manufactories. Sec. 586, (6).*

*Cows, goats, pigs, etc. Sec. 586, (7).*

*Noises and disturbances of the peace. Sec. 586, (8), (9).*

*Beggars. Sec. 586 (10).*

*Milk and bread tickets. Sec. 586 (11).*

By-laws  
respecting

**586.** By-laws may be passed by the councils of the municipalities and for the purposes in this section respectively mentioned, that is to say :

#### *Nuisances.*

By the councils of townships, cities, towns and villages.

Nuisances.

1. For preventing and abating public nuisances. R.S.O., 1897, c. 223, sec. 586, par. 1.

Hauling dead  
horses, etc.,  
through the  
streets in  
daylight.

1a. For preventing the hauling of dead horses, offal, night soil or other offensive matter or things along any street in the municipality to be named in the by-law during the hours of daylight. 63 V. c. 33, s. 40.

2. For regulating manufactures or trades which may prove to be nuisances.

Slaughter  
houses, gas-  
works, distil-  
leries, etc.

3. For preventing and regulating the erection or continuance of slaughter houses, gas works, tanneries, or distilleries or other manufactories or trades which may prove to be nuisances.

Slaughter  
houses.

4. For establishing public slaughter houses and for preventing, regulating and inspecting the erection or continuance of

of slaughter houses, and for prohibiting the slaughter of animals intended for food except in slaughter houses designated in the by-law. In towns, villages and townships this clause shall not apply to the slaughter of animals which are so slaughtered for the use of the person killing the same and of his family.

[*As to Slaughter-houses, see also R.S.O. Cap. 250.*]

By the councils of counties, cities and separated towns:—

5. For defining the areas within which tanneries hereafter erected, rag, bone, or junk shops, or other industries of a noxious or unhealthy character may not be carried on within the municipality.

Defining districts within which certain trades may not be carried on.

By the councils of cities, towns and villages:—

6. For compelling manufacturers and others to have such chimneys or other apparatus as shall consume the smoke or prevent the same from fouling the atmosphere or being carried by the wind or otherwise to other shops, houses, or premises, to the inconvenience or injury of the neighbouring premises or residents therein.

Regulating construction, etc., of chimneys.

By the councils of townships, cities, towns and villages:—

7. For preventing or regulating the keeping of cows, goats, pigs and other animals, and defining limits within which same may be kept.

Limits in which animals may be kept.

8. For regulating or preventing the ringing of bells, blowing of horns, shouting and other unusual noises, or noises calculated to disturb the inhabitants.

Ringings of bells, etc.

9. For preventing or regulating the firing of guns or other firearms; and the firing or setting off of fireballs, squibs, crackers or fireworks, and for preventing charivaries and other like disturbances of the peace.

Disturbances of the peace.

### *Beggars.*

By the councils of cities, towns and villages:—

10. For preventing common begging or persons in the streets from importuning others for help or aid in money, or deformed, or malformed, or diseased persons, from exposing themselves, or being exposed in the public streets to excite sympathy or induce help or assistance from general or public charity.

Prevention of begging, etc.

R. S. O., 1897, c. 223, s. 586, pars. 2-10.

### *Milk and Bread Tickets, etc.*

11. For regulating the use of tickets, checks or coupons by vendors of or dealers in milk, bread, or other articles of food.

Milk and bread tickets, etc.

1 Edw. VII., c. 26, s. 27.

## DIVISION XX.—EDUCATION.

*Public schools. Sec. 587 (1).*

*High schools—High school trustees. Sec. 587 (2).*

*Aid to High Schools and Collegiate Institutes. Sec. 587 (3), (4).*

*Aid to U. C. College and Toronto University. Sec. 587 (5).*

*Supporting pupils thereat. Sec. 587 (6).*

*Supporting Pupils at High Schools. Sec. 587 (7).*

*Endowing fellowships, scholarships etc. at U. C. C. and Toronto University. Sec. 587 (8).*

*Aiding Toronto University. Sec. 587 (9).*

*Schools for Artisans. Sec. 587 (10), (11).*

*Art Schools. Sec. 587 (12).*

*See as to Technical and Mining Schools, R.S.O. Cap. 301 and Cap. 303.*

By-laws for

**587.** By-laws may be passed by the councils of the municipalities and for the purposes in this section respectively mentioned, that is to say :

*Schools.*

By the councils of townships, cities, towns and villages :—

Acquiring  
land for pub-  
lic schools, etc.

1. For obtaining such real property as may be required for the erection of public school houses thereon, and for other public school purposes, and for the disposal thereof when no longer required ; and for providing for the establishment and support of public schools according to law.

*High Schools.—High School Trustees.*

By the councils of counties, cities and separated towns :—

Establishing  
High Schools,  
etc.  
1 Edw. VII,  
c. 40.

2. For establishing high schools and appointing high school trustees, subject to *The High Schools Act*, and for obtaining in such part of the county, or of any city or separated town within the county, as the wants of the people may most require, the real property requisite for erecting high school houses thereon, and for other high school purposes, and for preserving, improving and repairing such school houses, and for disposing of such property when no longer required.

*Aiding High Schools.*

Aiding High  
Schools.

3. For making provisions in aid of such high schools as may be deemed expedient.

Proviso.

1 Edw. VII,  
c. 40.

(a) Provided that notwithstanding anything contained in this Act or in *The High Schools Act*, the county council of any union of counties may pass a by-law for the purpose of apportioning the amount to be levied for high school purposes, so that each county forming



forming the union shall be liable only for the maintenance of the high schools situated within the county.

*Grants to High Schools and Collegiate Institutes.*

By the councils of townships, towns and villages :—

4. For making grants in aid of any high school or collegiate institute, or to build, preserve, enlarge or improve any high school or collegiate institute in any adjacent or other municipality. R. S. O., 1897, c. 223, s. 587, pars. 1-4.

*Grants to Universities, Colleges and Societies.*

By the councils of counties, cities and towns :—

5. For making grants in aid of the University of Toronto or Upper Canada College, or any other University or College within Ontario, or any historical, literary or scientific society, and for creating a debt therefor, and for the issue of debentures for the amount of such debt; and such grants may be made from time to time, and may be either by one payment, or by an annual payment for a limited number of years, and upon such terms and considerations as may be agreed upon, and the municipal council of the City of Toronto may so grant to Upper Canada College water from the city water works, with or without any charge therefor. R. S. O., 1897, c. 223, s. 587, par. 5; 63 V., c. 33, s. 41 (1).

Grants to Universities, Colleges, historical societies, etc.

*Supporting Pupils at High Schools, Universities and Colleges.*

6. For making a permanent provision for defraying the expenses of the attendance at the University of Toronto, and at Upper Canada College, or any other university or college within Ontario, of such of the pupils of the public high schools of the municipality or county as are unable to incur the expense, but are desirous of, and in the opinion of the respective masters of such high schools, possess competent attainments for competing for any scholarship, exhibition or other similar prize offered by such University or College. R. S. O., 1897, c. 223, s. 587, par. 6; 63 V. c. 33, s. 41 (2).

Supporting certain High School pupils at Universities, Colleges, etc.

7. For making similar provision for the attendance at any high school, for like purposes, of pupils of public schools of the municipality. R. S. O., 1897, c. 223, s. 587, par. 7.

Similar provision for attendance at High Schools.

*Endowing Fellowships.*

8. For endowing such fellowships, scholarships or exhibitions, and other similar prizes, in the University of Toronto, and in Upper Canada College, or any other university or college within Ontario, for competition among the pupils of

Endowing fellowships, etc., in Universities and Colleges.

the public high schools in the municipality or county, as the council deem expedient for the encouragement of learning amongst the youth thereof. R. S. O., 1897, c. 223, s. 587, par. 8; 63 V., c. 33, s. 41 (3).

By the councils of cities having 100,000 inhabitants or more:—

Municipal  
aid to University of  
Toronto.

9. For granting aid to the University of Toronto and for creating a debt therefor, and for the issue of debentures for the amount of such debt; and no such by-law shall require the assent of the ratepayers of the municipality before the final passing thereof, unless the amount exceeds \$500.

### *Schools for Artisans. Art Schools.*

By the councils of counties, cities and separated towns:—

Establishment  
of schools for  
artisans.

10. For establishing schools for the training and education of artisans, mechanics and workingmen in such subjects as may promote a knowledge of mechanical and manufacturing arts, and for acquiring such real property as may be requisite for such schools; and for erecting and maintaining suitable buildings thereon; and for improving and repairing such school buildings, and for disposing of such property when no longer required.

(a) The councils of any municipalities establishing such schools may appoint boards of trustees or managers to conduct the schools, giving them such authority or power for the management of the same, as the councils may deem expedient.

Aid to such  
schools.

11. For making grants in aid of such schools as may be deemed expedient.

12. For granting such aid to art schools, approved by the Education Department, as they may deem expedient. R. S. O., 1897, c. 223, s. 587, pars. 9-12.

[*As to Technical Schools, See R. S. O., Cap. 301.*]

[*As to the Schools of Mining, See R. S. O., Cap. 303.*]

### DIVISION XXI.—CHARITIES.

*Indigent persons. Sec. 588 (1).*

*Institutions or out-of-door relief. Sec. 588 (2).*

*Almshouses, etc. Sec. 588 (3).*

*Support of destitute insane persons. Sec. 589.*

*Victorian Order of Nurses. Sec. 590.*

*Consumption Hospitals Sec. 590a.*

By-laws for

**588.** By-laws may be passed by the councils of the municipalities and for the purposes in this section respectively mentioned that is to say:

By

*Aiding Indigent Persons.*

By the councils of counties, townships, cities, towns and villages:—

1. For aiding in maintaining any indigent person belonging to or found in the municipality, at any work-house, hospital or institution for the insane, deaf and dumb or blind, or other public institution of a like character:

Aiding indigent persons and charities.

(a) Where a municipal corporation advances money by way of charity or relief to a person who, although in destitute circumstances, is the owner of or interested in any land the retention whereof is necessary for a dwelling for the person receiving such relief, it shall be lawful for the corporation to take a conveyance of or security on such land to cover the amount of such charity or relief, and on the death of the person in receipt of such charity or relief, or the surrender of said land by such person to the corporation, the corporation may sell or dispose of said land and apply the proceeds in payment of the amount so expended in charity or relief with interest thereon at six per cent. per annum, together with the costs of realizing on said land. The balance of such proceeds, if any, shall go to the next of kin or devisee of such person.

Power to take security for grants made to individuals for charitable purposes.

*Charitable Institutions, etc.*

2. For granting aid to any charitable institution or out-of-door relief to the resident poor.

*Almshouses—Charities.*

By the councils of cities and towns:—

3. For establishing and regulating within the city or town, or on the industrial farm or ground held for public exhibitions, one or more almshouses or houses of refuge for the relief of the destitute, and also for aiding charitable institutions within the city or town. R.S.O., 1897, c. 223, s. 588. See sec. 527.

Almshouses, etc.

*Support of Destitute Insane Persons.*

**589.** The county council of each county shall, from time to time, make provision for the whole or partial support either in the county gaol or some other place within the county, of such insane destitute persons as cannot properly be admitted to the Provincial Asylums, and shall determine the sum to be paid for such support, and also the parties to whom such sums shall be paid by the County Treasurer. R.S.O., 1897, c. 223, s. 589.

County Council to make provision for the destitute insane.



*The Victorian Order of Nurses.*

Power to  
grant aid to  
Victorian  
Order of  
Nurses.

**590.** The council of any municipality may assist the Victorian Order of Nurses by a grant of money to the Order. R.S.O., 1897, c. 223, s. 590.

*Establishment of Consumption Hospitals.*

Establishment  
of consump-  
into hospitals.

**590a.**—(1) Any municipality or any two or more municipalities in this Province may agree with the National Sanatorium Association (hereinafter called the Association) for the establishment and maintenance by the Association of a Sanatorium for the treatment of consumptives, and for contributing towards the cost and maintenance of any Sanatorium heretofore established, and of any extensions, alterations or additions thereto; and the municipalities shall have similar powers to those conferred by chapter 57 of the Statutes of Ontario for the year 1900, intituled *An Act respecting Municipal Sanatoria for Consumptives*, with respect to procuring plans, estimates and other information and the basis for establishing any Sanatorium, and the location thereof within or without the municipality, and may from time to time pass by-laws to raise the monies, if any, proposed to be paid or contributed by the municipality in respect of any Sanatorium and for the issue of debentures therefor.

(2) The plans, estimates and agreement and proposed site shall be submitted for the approval of the Provincial Secretary in a similar manner to that provided for by section 3 of the said Act, and upon such approval being given the said agreement shall be valid and may be acted on.

(3) Provided always that the parties to such agreement may make such changes in, or modifications thereof, as may be required by the Provincial Secretary as a condition to his approval.

(4) Sections 11, 12 and 13 of the said Act shall apply to any Sanatorium established under this section and to the trustees of the said Association, and to any Sanatorium heretofore established or which may hereafter be established by the said Association. 1 Edw. VII., c. 223, s. 32; 3 Edw. VII., c. 7, s. 57

## DIVISION XXII.—AIDS, BONUSES, LOANS AND BOUNTIES.

(And see Titles IV., V. and VI. of this Part.)

*Agricultural or horticultural societies.* Sec. 591 (1).

*Bands of music.* Sec. 591 (2).

*Bathing houses.* Sec. 591 (3).

*Free libraries.* Sec. 591 (4).

*Gas and water companies.* Sec. 591 (5).

*Harbours, wharfs and beacons.* Sec. 591 (6).

*Rifle associations—Militia.* Sec. 591 (7).

*Road, bridge and harbour companies.* Sec. 591 (8).

*Superannuation and benefit funds.* Sec. 591 (9), (10).

*Life boat associations* Sec. 591 (11).

*Manufactures.* Sec. 591 (12).

*What to be deemed a "bonus". Sec. 591a.*

*Exemption from taxation until 31st December, 1904. Sec. 591b.*

*Ferries. Sec. 591c.*

**591.** By-laws may be passed by the councils of the municipalities and for the purposes in this section respectively mentioned, that is to say:

By the councils of counties, townships, cities, towns and villages:—

1. For granting or loaning money or granting land in aid of the Agriculture and Arts Association or of agricultural or horticultural societies as authorized by *The Agriculture and Arts Act*, or in aid of any association formed for the holding of a fat stock or live stock show or exhibition or any exhibition for the promotion or improvement of farming in any of its branches or departments. R.S.O., 1897, c. 223, s. 591, par. 1; 62 V. (2) c. 26, s. 38.

Aid from municipal councils to agricultural associations. Rev. Stat. c. 43, s. 45.  
Aid to live stock shows.

#### *Bands of Music.*

2. For aiding in the establishment or maintenance of a band of music, and for aiding in the establishment or maintenance of a band or bands by any corps of active militia within the county.

Bands of music.

2a. For aiding and encouraging amateur, athletic or aquatic sports. R.S.O., 1897, c. 223, s. 591, par. 2; 63 V. c. 33, s. 42.

#### *Bathing Houses.*

3. For granting money to aid and assist in the construction of public bathing houses within the municipality, for borrowing money for such purposes, and for issuing debentures to secure the re-payment thereof.

Public bathing houses.

#### *Free Libraries.*

4. For granting money or land in aid of any free library established under *The Public Libraries Act* or *The Act respecting Mechanics' Institutes and Art Schools* within the municipality or within any adjoining municipality.

Free libraries. Rev. Stat. c. 232.

#### *Gas and Water Companies.*

By the councils of townships, cities, towns and villages:—

5. For acquiring stock in, or lending money to, any incorporated gas or water company; and for guaranteeing the payment of money borrowed by, or of debentures issued for money so borrowed by the company; provided the by-law is assented to by the electors, as hereinbefore provided.

Taking stock in gas and water companies. Proviso.

(a) In such case the head of any corporation holding stock in such company to the amount of \$10,000 shall be, *ex officio*, a director of the company in addition to the other directors thereof, and shall also be entitled to vote on such stock at any election of directors.

Head of corporation to be a director in certain cases.

*Harbours, Wharfs, Beacons, etc.*

Granting aid  
by way of  
bonus to har-  
bours, etc.

6. For granting aid by way of bonus, for or towards the construction of harbours, wharfs, docks, slips, and necessary beacons on any river, lake, or navigable water passing in, through, or forming any part of the boundary of a county, whether such bonus be given by such county or by a city, town, township, or village situate therein and to pay such bonus either in one sum, or in annual or other periodical payments with or without interest, and subject to such terms, conditions and restrictions as the council may deem expedient ;

Assent of  
electors neces-  
sary.

(a) No such by-law shall be passed until the assent of the electors has been obtained in conformity with the provisions of this Act in respect of by-laws for creating debts ;

Security may  
be taken.

(b) Any municipality granting such aid may take and receive of and from the person or body corporate, receiving any such aid, security for the compliance with the terms and conditions upon which such aid is given.

*Rifle Associations—Militia.*

By the councils of counties, townships, cities, towns and villages :—

Aid to rifle  
associations  
and militia.

7. For aiding any regularly organized rifle association ; or for adding to the sum paid during the period of annual or other authorized drill, or when on active service, to any enlisted member or members of any corps of Active Militia organized within such municipality ; or for the purpose of military outfit or equipment of the members of such corps.

*Road, Bridge and Harbour Companies.*

Aid for roads,  
bridges and  
harbours.

8. For taking stock in or lending money, or granting bonuses to any incorporated company, in respect of any road, bridge or harbour, within or near the municipality, under and subject to the respective statutes in that behalf, or for granting aid by way of bonus to any incorporated road or bridge company ;

Assent of  
electors neces-  
sary.

(a) No such by-law granting such aid by way of bonus shall be passed until the assent of the electors has been obtained in conformity with the provisions of this Act in respect of by-laws for creating debts.

*Superannuation and Benefit Funds.*

By the councils of cities and towns :—

Superannua-  
tion and bene-  
fit funds for  
fire and police  
force.

9. For aiding and assisting by annual money grant or otherwise, as the council may deem expedient, the establishment and maintenance of superannuation and benefit funds for the benefit of the members of the police force and fire brigades, and of their families respectively, where police forces and fire brigades are established.



10. For aiding and assisting by annual money grant, or otherwise, as the council may deem expedient, the establishment and maintenance of official benefit funds for employees of the corporation (other than employees of the police force and fire brigades hereinbefore provided for) and their families. R. S. O. 1897, c. 223, s. 591, pars. 3-10.

Aid to life boat association.

*Life Boat Associations.*

11. For aiding and assisting by annual money grant or otherwise as the council may deem expedient any organization owning, manning and working lifeboats or other salvage apparatus for life saving purposes. 63 V. c. 33, s. 43.

Aiding benefit funds for corporation employees.

By the councils of counties, townships, cities, towns and incorporated villages ;

12. For granting aid by way of bonus for the promotion of manufactures within the limits of the municipality to such person or body corporate and in respect of such branch of industry as the municipal council may determine upon ; and to pay any sum of money granted by way of gift or loan either in one sum or in annual or other periodical payments with or without interest and subject to such terms, conditions and restrictions as the said municipality may deem expedient.

By-laws granting aid to manufacturers.

(a) Subject to the provisions of section 591*b* of this Act no such by-law shall be passed until the assent of the electors has been obtained in conformity with the provisions of this Act in respect of by-laws for granting bonuses to manufacturing industries.

Assent of electors.

(b) No property owner or lessee interested in or holding any stock in any company shall be qualified to vote on a by-law for the purpose of granting a bonus to the company in which he is so interested as aforesaid.

Shareholders not to vote

(c) Any municipality granting such bonus may take and receive security for the compliance with the terms and conditions upon which such aid is given.

Security for fulfilment of terms of bonus.

(d) No by-law shall be passed granting a bonus to or for a manufacturer under this section who purposes establishing an industry of a similar nature to one already established in such municipality unless the owner or owners of such established industry or industries shall first have given their consent in writing to the granting of such bonus, loan or guarantee. 63 V. c. 33, s. 9 *part*.

Industry not to be aided where one of like nature established without bonus.

(e) No by-law shall be passed by the council of any municipality for granting a bonus to any industry already established elsewhere in the Province, or, which has been removed to such municipality from another municipality in the Province, whether such industry is to be carried on by the same proprietor as in the locality from which it has been or is to be removed or is to be carried on by some other person deriving title or claiming through or under such

Bonus not to be granted to industry already established elsewhere in the Province.

such proprietor or otherwise or by such proprietor in partnership with other persons or by a joint stock company or otherwise. 2 Edw. VII, c. 29, s. 28.

Aid so given  
not to exceed  
10 per cent. of  
total tax rate.

- (f) No such by-law shall be passed for granting a bonus by gift or loan or guarantee of money to any manufacturing industry where the granting of such bonus would for its payment, together with the payment of similar bonuses already granted by the said municipality require an annual levy for principal and interest exceeding 10 per cent. of the total annual municipal taxation thereof, but if such bonus is by way of loan or guarantee of money then any amount to be repaid annually by any person or company so aided shall be taken into account and shall for the purposes of this paragraph be deducted from the amount required to be levied annually. Nothing herein contained shall relieve the municipal council from liability for neglecting to levy annually the special rate required to repay any debt contracted by the municipality. 63 V. c. 33, s. 9 *part*.

Bonus defined.

**591a.** The word "bonus" where it occurs in section 366a or subsection 12 of section 591 of this Act shall mean and include :—

- (a) A grant of money as a gift or a loan, either unconditionally or conditionally.
- (b) The guaranteeing of the repayment of money loaned, and interest.
- (c) The gift of lands owned by the municipality or the purchase of lands as a site for building and works or as a means of access or for any other purpose connected with the manufacturing industry to be aided or the leasing of lands either freely or at a nominal rental for any such purpose.
- (d) The closing up or opening, widening, paving or improving of any street, alley, lane, square or other public place or the undertaking of any other public work or improvement which involves the expenditure of money by a corporation for the particular use or benefit of a manufacturing industry.
- (e) The supplying of water, light or power by the municipal corporation either freely or at rates less than those charged to other persons and corporations in the municipality.
- (f) Generally the going, undertaking or suffering on the part of a municipal corporation of any act, matter or thing which involves or may thereafter involve the expenditure of money by a municipal corporation.

(g)

- (g) A total or partial exemption from municipal taxation or the fixing of the assessment of any property for a term of years; but nothing in this Act contained shall be deemed to authorize any exemption for a longer period than ten years and the renewal of such exemption with the assent of the electors as provided in paragraph number 12 of section 591 and the clauses appended thereto, from time to time for further periods not exceeding ten years at any one time nor any exemption, either partial or total, from taxation for school purposes, nor any by-law or agreement which directly or indirectly has or may have the effect of such an exemption. 63 V. c. 33, s. 10. See 3 Edw. VII c. 18, s. 127.

**591b.** Notwithstanding the provisions of subsection 12 of section 591 of this Act, every municipal council shall by a two-thirds vote of the members thereof, have the power by by-law in that behalf to extend to the 31st of December, 1904, but no longer the operation of any by-law now in force which provides for exempting any manufacturing establishment or any building for the storage of ice for commercial purposes or any water works or water company in whole or in part from taxation, except as to school taxes, and any municipal council may give like exemptions to the same date by a two-thirds vote of the members thereof. 2 Edw. VII c. 29, s. 39; 3 Edw. VII c. 18, s. 159.

By-laws  
exempting  
manufactur-  
ers, etc.

**591c.** The council of any township, town or village may pass by-laws for the construction, leasing and operation of such ferries or ferryboats as may be required to be used on or over any navigable water separating a part of such municipality from another part of the same municipality or separating a part of the said municipality from any other municipality in the Province of Ontario, and may make an annual grant for the purpose of maintaining and operating such ferries or ferryboats or any one or more of them. 3 Edw. VII c. 18, s. 126 (2).

Ferries.

#### DIVISION XXIII.—BOUNTIES, MEDALS AND REWARDS.

*Bounties for destruction of foxes, etc.* Sec. 592 (1).

*Medals and rewards for firemen, etc.* Sec. 592 (2).

*Crimes, discovery of.* Sec. 593.

*Personation.* Sec. 594.

*Horse thieves.* Sec. 595.

**592.** By-laws may be passed by the councils of the municipalities and for the purposes in this section respectively mentioned, that is to say:

*Destruction*



*Destruction of Foxes and other Wild animals.*

By the councils of counties, townships, cities, towns and villages :—

Bounties for  
destruction of  
foxes, etc.

1. For giving and paying bounties not exceeding \$5 per head for the destruction of foxes and other wild animals which kill or destroy poultry. R.S.O. 1897, c. 223, s. 592, *par.* 1

*Medals, Rewards and Gratuities to Firemen.*

By the councils of cities, towns and villages :—

Rewards to  
firemen and  
persons dis-  
tinguishing  
themselves at  
fires.

2. For providing medals or rewards for persons who distinguish themselves at fires; and for granting gratuities to the members of the fire brigade who may have become incapacitated for service on account of injuries or ill-health caused by accident or exposure at fires, or from old age or inability to perform their duties, and for granting pecuniary aid or other assistance to the widows and children of persons who may be killed while in the discharge of their duties by accident at fires, or who may die from injuries received or from sickness contracted while in the service of the corporation as firemen. R.S.O. 1897, c. 223, s. 592, *par.* 2; 3 Edw. VII c. 18, s. 128.

*Discovery of Crimes.*

Rewards for  
apprehension  
of criminals.

**593.** The council of any municipality in which a flagrant crime is believed to have been committed, may offer and pay a reward for the discovery, apprehension, and conviction of the criminal, or for the apprehension of any person who is suspected to be the criminal. R.S.O. 1897, c. 223, s. 593; 3 Edw. VII c. 18, s. 129.

Rewards for  
detection of  
personators.

**594.** The council of any municipality may offer and pay a reward or rewards for the discovery, apprehension and conviction of any person or persons guilty of personation, as in this Act defined. R.S.O. 1897, c. 223, s. 594.

*Horse Thieves.*

Reward for  
apprehension  
of persons  
guilty of  
horse stealing.

**595.** The council of every county and city shall provide by by-law, that a sum not less than \$20 shall be payable as a reward to any person or persons who shall pursue and apprehend, or cause to be apprehended, any person or persons guilty of stealing any horse or mare within the said county or city, and such reward will be paid out of the funds of the corporation on the conviction of the thief, on the order of the Judge before whom the conviction is obtained. Provided that the amount payable as the reward upon any such conviction as aforesaid shall be in the discretion of the Judge but shall not exceed the amount fixed by the by-law. R.S.O., 1897, c. 223, s. 595; 63 V. c. 33, s. 44.

Proviso.

DIVISION XXIV.—ENTERTAINING GUESTS, TRAVELLING EXPENSES, DIFFUSING INFORMATION, ETC.

*Reception and entertainment of Guests.* Sec. 596.

*Travelling expenses on corporation business.* Sec. 596.

*Diffusing information.* Sec. 597.

**596.** The council of any city may include in the annual estimates a sum to be expended in the reception and entertainment of distinguished guests, and any travelling expenses necessarily incurred in and about the business of the corporation, which sum shall, in the case of cities having a population of 100,000 or over, be not more than \$5,000; in the case of other cities having a population of 20,000 or over, not more than \$1,000, and in the case of other cities, not more than \$500 in any year. R.S.O., 1897, c. 223, s. 596.

Annual appropriation for travelling and other expenses.

**597.** The council of every city and of every town having a population of 5,000 or over may include in the annual estimates a sum not exceeding \$500, to be expended in diffusing information respecting the advantages of such city or town as a manufacturing, business, educational or residential centre, or as a desirable place in which to spend the summer months. The councils of other municipalities may provide for the expenditure for the like purpose of a sum not exceeding \$100. R.S.O., 1897, c. 223, s. 597.

Appropriation for diffusing information.

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TITLE II.—POWERS AND DUTIES OF COUNCILS AS TO HIGHWAYS AND BRIDGES.

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DIV. I.—GENERAL PROVISIONS.

DIV. II.—COUNTIES, TOWNSHIPS, CITIES, TOWNS AND VILLAGES.

DIV. III.—TOWNSHIPS, CITIES, TOWNS AND VILLAGES.

DIV. IV.—COUNTY AND TOWNSHIP COUNCILS.

DIV. V.—COUNTY COUNCILS.

DIV. VI.—TOWNSHIP COUNCILS.

DIVISION I.—GENERAL PROVISIONS

*Highways defined.* Sec. 598.

*Freehold in Crown.* Sec. 599.

*Jurisdiction of councils.* Sec. 600.

*Possession in municipalities.* Sec. 601.

*When dedicated to be free from dower.* Sec. 602.

*Acquiring Roads for public avenues.* Sec. 603.

*Assumption of county bridges by villages.* Sec. 604.

*Approaches*

- Approaches to bridges.* Sec. 605.  
*Liability for repair of highways and bridges.* Secs. 606, 607.  
*Liability for repair of crossings, sewers, sidewalks, etc., on toll roads.* Sec. 608.  
*Remedy over in case of action against corporation.* Sec. 609.  
*Apportionment where more than one municipality liable.* Sec. 610.  
*No liability for acts or defaults of others.* Sec. 611.  
*Action shall be only against the corporation.* Sec. 612.  
*County roads and bridges.* Secs. 613-615.  
*Improving and maintaining.* Secs. 616-618.  
*Driftwood in rivers and streams.* Sec. 619.  
*Maintaining township roads.* Secs. 620, 621.  
*Roads under joint jurisdiction.* Secs. 622-625.  
*Roads vested in His Majesty.* Sec. 627.  
*Roads on Dominion property.* Sec. 628.  
*Roads necessary for ingress and egress.* Sec. 629.  
*Width of roads.* Secs. 630, 631.  
*Notices of by-laws affecting public roads.* Sec. 632.  
*Registration of road by-laws.* Sec. 633.  
*Disputes respecting roads—Administration of oaths.* Sec. 634.  
*Mistakes in opening road allowances.* Sec. 635.  
*Sign-posts, etc., as guides to bicyclists.* Sec. 636.

### *Highways Defined.*

What shall constitute public highways.

**598.** All allowances made for roads by the Crown surveyors in any town, township or place already laid out or hereafter laid out; and also all roads laid out by virtue of any statute, or any roads whereon the public money has been expended for opening the same, or whereon the statute labour has been usually performed, or any roads passing through the Indian lands, shall be deemed common and public highways, unless where such roads have been already altered, or may hereafter be altered according to law. R.S.O., 1897, c. 223, s. 598. See also R.S.O., 1897, Cap. 181, secs. 20, 21, 39 (1).

### *Freehold in the Crown.*

Certain highways, road allowances etc., vested in the Crown.

**599.** Unless otherwise provided for, the soil and freehold of every highway or road altered, amended or laid out according to law, and every road allowance reserved under original survey along the bank of any stream or the shore of any lake or other water, shall be vested in His Majesty, His Heirs and Successors. R.S.O., 1897, c. 223, s. 599.

### *Jurisdiction*



*Jurisdiction of Municipal Councils.*

**600.** Subject to the exceptions and provisions hereinafter contained, the municipal council of every municipality shall have jurisdiction over the original allowances for roads and highways and bridges within the municipality. R.S.O., 1897, c. 223, s. 600.

Jurisdiction of councils over roads, etc.

*Possession in Municipalities.*

**601.** Every public road, street, bridge or other highway, in a city, township, town or village,—except any concession or other road therein, which has been taken and held possession of by any person in lieu of a street, road or highway laid out by him without compensation therefor,—shall be vested in the municipality, subject to any rights in the soil reserved by the person who laid out such road, street, bridge or highway. R.S.O., 1897, c. 223, s. 601.

Streets in cities, townships, towns and villages vested in municipalities subject to certain rights.

*No Dower in Lands Dedicated for Highways.*

**602.** Lands dedicated by any owner thereof for a street or public highway shall not be subject to any claim for dower by the wife of any person by whom the same was dedicated. R.S.O., 1897, c. 223, s. 602.

Lands dedicated for streets not subject to dower.

*Acquiring Roads for Public Avenues.*

**603.** The council of every city and town may respectively pass by-laws,

Acquiring roads and lands for public avenue or walk.

1. For acquiring and assuming possession and control, for a public avenue or walk, of any public highway or road in an adjacent municipality by and with the consent of such municipality, the same being signified by a by-law passed for that purpose; and

2. (Subject to the provisions of sections 437 and 438 of this Act) for acquiring from the owners of the land adjacent to such highway or road, so much land as may be required on either side of such highway or road to increase the width thereof to the extent of 100 feet or less. R.S.O., 1897, c. 223, s. 602.

*Assumption of County Bridges by Villages.*

**604.** The councils of every county and village may pass by-laws for carrying out any arrangement between them for the assumption, by the village, of any bridge within its county.

Assumption by villages of bridges under control of its county.

its limits, under the jurisdiction of the county council, and for such bridge being toll free; and for the payment by the village to the county of any part of the cost of the construction of such bridge;

- (a) After the passing of such by-laws the bridge shall be, and remain, under the exclusive jurisdiction of the village; and the village shall be subject to all the liabilities in the premises, which but for the transfer would have devolved on the county; and the bridge shall be and remain toll free. R.S.O., 1897, c. 223, s. 604.

### *Approaches to Bridges.*

Approaches to  
bridges.

**605.** The approaches for 100 feet to and next adjoining each end of all bridges belonging to, assumed by, or under the jurisdiction of any municipality or municipalities, shall be kept up and maintained by such municipality or municipalities: the remaining portions of such approaches shall be kept up and maintained by the local municipalities in which they are situate. R.S.O., 1897, c. 223, s. 605.

### *Liability to Repair Highways and Bridges.*

Liability for  
repair of  
public roads,  
etc.

Limitation of  
actions.

**606.**—(1) Every public road, street, bridge and highway shall be kept in repair by the corporation, and on default of the corporation so to keep in repair, the corporation, besides being subject to any punishment provided by law, shall be civilly responsible for all damages sustained by any person by reason of such default, but the action must be brought within three months after the damages have been sustained;

Snow or ice on  
sidewalks.

(2) No municipal corporation shall be liable for accidents arising from persons falling, owing to snow or ice upon the sidewalks, unless in case of gross negligence by the corporation; R.S.O., 1897, c. 223, s. 606 (1), (2).

Notice of  
action.

(3) No action shall be brought to enforce a claim for damages under this section unless notice in writing of the accident and the cause thereof has been served upon or mailed through the post office to the mayor, warden, reeve, or other head of the corporation, or to the clerk of the municipality within thirty days after the happening of the accident where the action is against a township or a county and within seven days where the action is against a city, town or village. R. S. O. 1897, c. 223, s. 606 (3); 3 Edw. VII c. 18, s. 130 (1).

Notice o  
claim for non-  
repair of high-

(4) Where the claim for damages is against two or more municipalities jointly responsible for the repair of the road, street, bridge or highway, no action shall be brought to enforce such

such claim under this section unless the notice to each of the municipalities jointly liable has been served or mailed as provided in sub-section 3 within the period or periods therein mentioned. 62 V. (2) c. 26 s. 39. ways where municipalities jointly liable.

(5) Provided that in case of the death of the person injured the want of the notice required under sub-sections 3 and 4 of this section shall be no bar to the maintenance of the action. When dispensed with.

Provided further, that the want or insufficiency of the notice required under sub-sections 3 and 4 of this section shall not be a bar to an action except where the action is founded on the existence of snow or ice on the sidewalk, if the court or Judge before whom the action is tried considers that there is reasonable excuse for the want or insufficiency of such notice and that the defendants have not thereby been prejudiced in their defence. 3 Edw. VII. c. 18, s. 130 (2).

**607.** The last preceding section shall not apply to any road, street, bridge or highway laid out by any private person, and the corporation shall not be liable to keep in repair any such last mentioned road, street, bridge or highway, until established by by-law of the corporation, or otherwise assumed for public user by such corporation. R.S.O., 1897, c. 223, s. 607. To what roads applicable.

*Repair of Crossings, Sewers, Sidewalks, etc., on Toll Roads.*

**608.** The corporation shall, in the absence of an agreement to the contrary, keep in repair all crossings, sewers, culverts and approaches, grades, sidewalks and other works made or done by the council of any municipality, or by any person with the permission of the said council, upon any toll road in or through the said municipality, and on default so to keep in repair shall be responsible for all damages sustained by any person by reason of such default, but the action must be brought within three months after the damages have been sustained. R.S.O., 1897, c. 223, s. 608. Repair of crossings, etc., made by leave of municipality on toll roads.

*Remedy over, in Case of Action.*

**609.**—(1) In case an action is brought against a municipal corporation to recover damages sustained by reason of any obstruction, excavation or opening in or near to a public highway, street or bridge placed, made, left or maintained by another corporation or by any person other than a servant or agent of the municipal corporation, or to recover damages sustained by reason of any negligent or wrongful act or omission of any other corporation or of any person other than a servant Remedy in case of damages for injury caused by parties other than the corporation sued.

OR



or agent of the municipal corporation, the last mentioned corporation shall have a remedy over against the other corporation or person for, and may enforce payment accordingly of the damages and costs, if any, which the plaintiff in the action may recover against the municipal corporation.

Remedy over,  
for damages  
caused by non-  
repair of road  
against per-  
sons causing  
same.

(2) The municipal corporation shall be entitled to such remedy over in the same action, if the other corporation or person is made a party to the action, and if it is established in the action as against the other corporation or person, that the damages were sustained by reason of an obstruction, excavation or opening as aforesaid, placed, made, left or maintained by the other corporation or person; and the municipal corporation may in such action have the other corporation or person added as a party defendant or third party for the purposes hereof (if not already a defendant in the action jointly with the municipal corporation); and the other corporation or person may defend such action as well against the plaintiff's claim as against the claim of the municipal corporation to a remedy over, and the Court or Judge upon the trial of the action may order costs to be paid by or to any of the parties thereto, or in respect of any claim set up therein as in other cases.

Where person  
causing dam-  
age has not  
been made a  
party.

(3) If such other corporation or person be not a party defendant to such action, or be not added as a party defendant or third party, or if the municipal corporation has paid the claim for such damages before any action is brought to recover the same, or before any recovery of damages or costs against the municipal corporation therein, such municipal corporation shall have a remedy over, by action against any other corporation or person for such damages and costs as have been sustained by reason of any obstruction, excavation or opening placed, made, left or maintained by the other corporation or person.

When the  
validity of the  
original judg-  
ment is deem-  
ed to be  
admitted.

(4) Such other corporation or person shall be deemed to admit the validity of the judgment, if any, obtained against such municipal corporation in cases only where a notice has been served on such other corporation or person pursuant to the provisions of the Rules of Court made under the authority of *The Judicature Act*, or where such other corporation or person has admitted, or is estopped from denying the validity of such judgment."

Rev. Stat.  
c. 51.

When a fresh  
action is  
necessary.

(5) Where no such notice has been served, and there has been no such admission or estoppel, and the other corporation or person has not been made a party defendant or third party to the action against such municipal corporation, or where such damages have been paid without action, or without recovery of judgment against the municipal corporation, the liability of the municipal corporation for such damages, and the fact that the damages were sustained by reason of an obstruction, excavation or opening placed, made, left or maintained

tained by the other corporation or person, must be established in the action against such other corporation or person to entitle the municipal corporation to recover in such action. R.S.O., 1897, c. 223, s. 609.

**610.** Where two or more municipalities are jointly liable for the keeping in repair of a public road, street, bridge or highway, there shall be contribution between them as to the damages sustained by any person by reason of their default in keeping the same in repair, and any action brought by any such person shall be brought against all of such municipalities, and any of the defendants therein may require that the proportions in which such damages and the costs of the action are to be borne between them shall be determined therein, and in settling such proportions, either in the action or otherwise, regard shall be had to the extent to which each municipality was responsible, either primarily or otherwise, for the act or omission for which the damages have become payable or are recovered, and the damages and costs shall be apportioned between them accordingly. R. S. O., 1897, c. 223, s. 610.

Apportionment of damages where more than one municipality liable for non-repair.

*No Liability for Acts or Defaults of Others.*

**611.** Nothing contained in sections 606 to 610 of this Act (both inclusive) shall cast upon a municipal corporation any obligation or liability in respect of acts done or omitted to be done by other persons, companies or corporations, acting in the exercise of powers or authorities conferred upon them by law, and over which such municipal corporation has not control, where the municipal corporation is not a party to such acts or omissions, and the authority under which such persons, companies or corporations have acted or shall act is not a by-law, resolution or license of the council of the municipality. R. S. O., 1897, c. 223, s. 611.

Actions for negligence in non-repair of highways, etc.

*Action shall be only against the Corporation.*

**612**—(1) In any case where an action may be brought against a municipal corporation by any person who has suffered damage by reason of the default of a municipality in keeping any public road, street, bridge or highway in repair as provided by section 606 of this Act, no action shall be brought in respect of, or to recover such damage, or any part thereof, against any member of the council, officer or employee, of the municipality personally, but the remedy therefor shall be wholly against the municipality.

Corporation not responsible for acts of certain others in non-repair of highways.

(2) Nothing in this section contained shall apply to or affect litigation pending on the 7th day of April, 1896, or prevent  
27 s. any

any action from being brought or maintained by any municipality against any officer or employee for negligence or misconduct, or for any act of omission or commission in breach of his duty as such officer or employee.

(3) Where any such action was brought against any such officer, member or employee prior to the 7th day of April, 1896, the municipality may assume the same or the defence thereof, and may pay any damages or costs for which such officer, member or employee may be or has become liable in respect thereof.

(4) This section shall not extend to or include a mere contractor with the corporation, nor any member of council, officer or employee who is such contractor, and by reason of whose act or neglect the damage was caused. R. S. O., 1897, c. 223, s. 612.

### *County Roads and Bridges.*

**613.** Every county council shall have exclusive jurisdiction

Jurisdiction of  
county coun-  
cils over roads  
and bridges.

1. Over all roads and bridges lying within any township, town or village in the county, which the council by by-law assumes with the assent of such township, town or village municipality as a county road, or bridge, until the by-law assuming the same has been repealed by the council, and

2. Over all bridges across streams, rivers, ponds or lakes separating two townships in the county, and

3. Over all bridges crossing streams or rivers over 100 feet in width, within the limits of any incorporated village in the county, and connecting any main highway leading through the county, and

4. Over all bridges over rivers, streams, ponds or lakes forming or crossing boundary lines between two local municipalities in the county. R. S. O., 1897, c. 223, s. 613.

Boundary lines may be  
maintained by  
county.

**614.** Any county council may as time, make and maintain any township or county boundary line at the expense of the county, or may from time to time grant for the said purposes such sum or sums as they deem expedient. R. S. O., 1897, c. 223, s. 614.

Maintenance,  
etc., of roads  
in local muni-  
cipalities by  
county  
councils.

**615.** Any county council may, at the expense of the county, make, maintain or improve any township, town or village road or highway which runs into any county road, and may grant such sum or sums from time to time for the said purpose, as they may deem expedient. R. S. O., 1897, c. 223, s. 615.

*Improving*



*Improving and Maintaining County Roads and Bridges.*

**616.**—(1) Where a county council by by-law assumes as a county road or bridge, any road or bridge within a township, they shall, with as little delay as reasonably may be, and at the expense of the county, cause the road to be planked, gravelled or macadamized, or the bridge to be built in a good and substantial manner.

Roads or bridges assumed by county councils.

(2) The county council shall in a like manner, cause to be built and maintained, all bridges on any river or stream over 100 feet in width, within the limits of any village in the county, necessary to connect any main public highway leading through the county. R. S. O., 1897, c. 223, s. 616.

Maintenance of certain bridges in villages.

**617.**—(1) It shall be the duty of the county councils to erect and maintain bridges over rivers, streams, ponds or lakes forming or crossing boundary lines between any two municipalities (other than a city or separated town) within the county; and in case of a bridge over a river, stream, pond or lake forming or crossing a boundary line between two or more counties or a county, city or separated town, such bridge shall be erected and maintained by the councils of the counties or county, city and separated town respectively; and in case the councils fail to agree as to the respective portions of the expense to be borne by the municipalities interested, it shall be the duty of each to appoint arbitrators as provided by this Act, to determine the proportionate amount to be paid by each, and the award made by them shall be final. R. S. O., 1897, c. 223, s. 617 (1).

Bridges between municipalities.

(2) A road which lies wholly or partly between two municipalities shall be regarded as a boundary line within the meaning of this section, although such road may deviate so that it is in some place or places wholly within one of the municipalities, provided that such deviation is only for the purpose of getting a good line of road, and a bridge built over a river, stream, pond or lake crossing such road where it deviates as aforesaid shall be held to be a bridge over a river, stream, pond or lake crossing a boundary line within the meaning of this section. R. S. O., 1897, c. 223, s. 617 (2); 3 Edw. VII, c. 18, s. 131.

(3) Notwithstanding anything contained in this section or in section 613, the council of any county may, by by-law, provide that where the words "rivers, streams, ponds or lakes" are mentioned in those sections as applying to the erection and maintenance of bridges over rivers, streams, ponds or lakes, where such rivers, streams, ponds or lakes form or cross any boundary line between two municipalities within such county, the said words or any of them shall not include or extend to any river, stream, lake or pond less than eighty feet in width.

(4)

(4) In the event of the council of any county passing a by-law under the last preceding subsection the councils of the local municipalities bordering upon such boundary line shall erect and maintain all necessary bridges over rivers, streams, lakes and ponds of a less width than 80 feet forming or crossing such boundary line. R. S. O., 1897, c. 223, s. 617 (3) (4).

Proceedings to relieve township of maintenance of bridge over 300 feet in length.

**617a.** (1) The council of any township in which a bridge over 300 feet in length is situate may by resolution declare that owing to such bridge being over 300 feet in length, and being used by the inhabitants of municipalities other than the township, and being situate on a highway which is an important road affording means of communication to several municipalities, it is unjust that the township should be liable for the maintenance and repair of the bridge, and that it should be maintained and repaired by the corporation of the county, and that application should be made to the Judge of the County Court of the county for an order declaring such bridge a county bridge, to be maintained and kept in repair by the county corporation.

Notice to county clerk of resolution.

(2) After the passing of such resolution the clerk of the township shall forthwith serve a copy thereof certified to be a true copy under his hand and the corporate seal upon the clerk of the county.

Appointment for hearing by county judge.

(3) After the service of such resolution upon the county clerk application may be made by or on behalf of the township to the judge of the county court of the county for an appointment in writing for the hearing of the application by the township for an order declaring the bridge to be a county bridge to be assumed, maintained and kept in repair by the corporation of the county. A copy of the appointment shall be served upon the clerk of the county at least thirty days prior to the date fixed by the judge for hearing such application.

Hearing of application.

(4) At the time and place named for such appointment the county judge of the county court shall hear the application, and the township and county respectively may be represented by counsel thereon, and the judge shall, if he sees fit or the parties desire, hear evidence on oath for and against the application.

Order that bridge be maintained by county.

(5) In case the judge finds that the allegations contained in such resolution are proved or partly proved he shall make an order in writing declaring the bridge to be a county bridge to be maintained and kept in repair by the corporation of the county in which it is situate, and shall in and by such order either declare that the whole of the cost of such maintenance

and

and repair shall be paid by the county or that the township pay to the county such proportion of such cost as he may deem just, which order shall be registered in the Registry Office for the registry division in which the township is situate; and from and after the date of such registration the bridge shall be a county bridge and shall be maintained and kept in repair by the corporation of the county at the expense of the county, or of the county and township as the case may be, and the liability of the county for such maintenance and repair shall be the same as if the bridge were a bridge assumed by by-law of the county council in pursuance of this Act.

(6) In case the township is ordered to contribute to the maintenance and repair of such bridge the corporation of the county shall be entitled to be paid the proportion named in such order of any sum expended by it in such maintenance and repair, and such proportion shall, on the demand from time to time of the county council, be levied, collected and paid over to the county by the township. 3 Edw. VII., c. 18, s. 132.

Payment of proportion of cost by township.

**618.** Wherever there is a dispute between a county council and the council of any other municipality as to whether the duty or liability to build or maintain a bridge over any river, stream, lake or pond belongs to or rests upon such county council or such other council, either party to the dispute may bring and prosecute an action in the High Court of Justice for Ontario against the other to try the question in dispute, or the said Court may upon the application of either party compel by mandamus the performance of such duty or liability by the party upon or to whom such duty or liability rests or belongs. R. S. O., 1897, c. 223, s. 618.

Proceedings where liability of municipality to erect bridges disputed.

### *Driftwood in Rivers and Streams.*

**619.**—(1) Where a river, or a stream forms a boundary line between two or more municipalities within a county, it shall be the duty of the council of the county to keep such river or stream free from all accumulation of driftwood or fallen timber now or hereafter accumulated.

When county council to keep river or stream free of driftwood.

(2) In the case of any river or stream which forms a boundary line between two or more counties, or a county, city, or separated town, it shall be the duty of the councils of the county or counties, city and separated town respectively to keep such river or stream free from all accumulation of drifted or fallen timber now or hereafter accumulated; and in case the councils fail to agree as to the respective portions of the expense to be borne by the municipalities interested, the same shall be decided by arbitration under the provisions of this

When councils of counties, cities, or separated towns to keep stream free from driftwood.



this Act, and the award made shall be final. R. S. O., 1897, c. 223, s. 619.

*Maintaining Township Roads.*

Boundary lines not assumed by county councils.

**620.**—(1) All township boundary lines not assumed by the county council shall be opened, maintained and improved by the township councils, except where it is necessary to erect or maintain bridges over rivers, streams, lakes or ponds forming or crossing boundary lines between two municipalities.

Road allowances on township boundary lines.

(2) In the case of any township boundary line, or any portion of such line on which a road allowance has not been reserved, in the original survey thereof, the council of any one of the municipalities bordering on such boundary line, may pass a by-law for acquiring within such municipality either by purchase or expropriation the land necessary for one-half of the required road allowance.

(a) Within four days after the passing of the by-law the clerk of the municipality shall send a copy of the by-law by registered letter to the clerk of the adjoining municipality.

Sections 623 and 624 to apply.

(3) Sections 623 and 624 of this Act shall apply to proceedings taken under the provisions of this section.

Arbitration.

(4) If the matters in dispute between the two municipalities are referred to arbitration, the arbitrators shall have power to decide upon the proportion of the cost of the land which will be required upon each side of such boundary line for a road allowance which shall be borne by each municipality, and shall also have power to decide whether a road allowance shall be laid out or not.

When arbitrators decide against laying out allowance.

(5) If the arbitrators decide against the laying out of a road allowance upon such boundary line or any portion of such line, then no further proceedings shall be taken for the period of two years or such further time as the arbitrators may determine upon, but not exceeding in all four years. R. S. O., 1897, c. 223, s. 620.

Township boundaries, being also county boundaries.

**621.** Township boundary lines forming also county boundary lines, and not assumed or maintained by the respective counties interested, shall be maintained by the respective townships bordering on the same, except where it is the duty of the county council, under the provisions of this Act, to erect or maintain bridges over rivers, streams, ponds or lakes, forming or crossing boundary lines between two municipalities. R. S. O. 1897, c. 223, s. 621.

*Roads under Joint Jurisdiction.*

Joint jurisdiction over certain roads.

**622.** In case a road lies wholly or partly between a county, city, town, township or village and an adjoining county or counties, city, town, township or village, the councils of the municipalities

icipalities between which the road lies shall have joint jurisdiction over the same, although the road may so deviate as in some places to be wholly or in part within either of them.

- (a) The word "road" in this section shall not include a bridge over a river, stream, lake or pond, forming or crossing the boundary line between two municipalities other than counties, which bridge it is the duty of the county council to erect and maintain. R. S. O. 1897, c. 223, s. 622.

**623.** No by-law of the council of any one of such municipalities with respect to such last mentioned road or bridge, shall have any force until a by-law has been passed in similar terms, as nearly as may be, by the other council or councils having joint jurisdiction in the premises. R. S. O. 1897, c. 223, s. 623.

Both councils must concur in by-laws respecting them.

**624.** In case the other council or councils, for six months after notice of the by-law, omit to pass a by-law or by-laws in similar terms, the duty and liabilities of each municipality in respect to the road or bridge shall be referred to arbitration under the provisions of this Act. R. S. O. 1897, c. 223, s. 624

Arbitration if they do not concur.

**625.** (1) The councils of adjoining townships may enter into an agreement for the maintenance and repair of any road forming the boundary between such townships, whereby each of such townships may undertake, for a term of years not to exceed ten years, to maintain and keep in repair any portion of such road for its whole width, and to indemnify and save harmless the other township from any loss or damage arising from want of repair of such portion.

Agreements between adjoining townships as to maintenance of boundary road.

(2) Any agreement so made, shall when confirmed by by-law of the council of each of the contracting townships, be registered in the registry office in the manner provided by subsection 1 of section 633 of this Act.

Agreement may be registered.

(3) After the registration of the by-laws confirming such agreement, each of the contracting corporations shall have sole jurisdiction over that portion of the road which it has undertaken to maintain and keep in repair, and shall be liable for all damages incurred by reason of neglect to maintain and keep the same in repair, in the same manner and to the same extent as in the case of any road lying wholly within and under the jurisdiction of such township; and the other contracting corporation shall be relieved from all liability in respect to the maintenance and repair of such portion.

Effect of.

(4) Any such agreement heretofore made and entered into shall, after confirmation thereof, and registration of the confirming by-laws as aforesaid, be legal, valid and binding upon each of the said township municipalities, and the said townships

ships shall severally have jurisdiction over and be liable for the maintenance and repair of portions of any road which is the subject of such agreement, according to the terms and tenor thereof. R. S. O. 1897, c. 223, s. 625.

[*Rev. Stat., c. 223, s. 626, repealed by 3 Edw. VII., c. 18, s. 133*].

*Roads vested in His Majesty.*

Roads, etc.,  
provincial  
work: vested  
in His Majes-  
ty, etc., not to  
be interfered  
with.

Proclamation  
by Lieut.-Gov.  
as to roads,  
etc., under  
control of  
Commissioner  
of Public  
Works.

**627.** No council shall interfere with any public road or bridge vested as a Provincial work in His Majesty, or in any public Department or Board: and the Lieutenant-Governor shall by Order in Council have the same powers as to such road and bridge as are by this Act conferred on municipal councils with respect to other roads and bridges; but the Lieutenant-Governor may, by proclamation, declare any public road or bridge under the control of the Commissioner of Public Works, to be no longer under his control, and in that case, after a day named in the proclamation, the road or bridge shall cease to be under the control of the Commissioner, and no tolls shall be thereafter levied thereon by him, and the road or bridge shall thenceforth be controlled and kept in repair by the council of the municipality whose duty it is to repair the same. R. S. O. 1897, c. 223, s. 627.

*Roads on Dominion Property.*

Ordinance  
roads, lands,  
etc.

**628.** Without the consent of the Government of the Dominion of Canada, no municipal council shall pass a by-law,

1. For stopping up or altering the direction or alignment of any street, lane or thoroughfare made or laid out by His Majesty's Ordinance or the Principal Secretary of State in whom the Ordinance Estates became vested under the Statute of the Province of Canada passed in the 19th year of the reign of Her late Majesty Queen Victoria, chapter 45, or the Consolidated Statute of Canada, chapter 24, respecting the Ordinance and Admiralty lands, or by the Dominion of Canada; or

Dominion  
lands,

Bridges, etc.

2. For opening any such communication through any lands held by the Dominion of Canada; or

3. Interfering with any bridge, wharf, dock, quay or other work vested in the Dominion of Canada; or

Military  
lands

4. Interfering with any land reserved for military purposes, or with the integrity of the public defences,—

Not to be in-  
terfered with  
without con-  
sent of  
Dominion.

and a by-law for any of the purposes aforesaid shall be void unless it recites such consent. R. S. O. 1897, c. 223, s. 628.

*Roads necessary for Ingress and Egress.*

Council not to  
close road  
required for  
ingress, egress,  
etc.

**629.**—(1) No municipal council shall close up any public road or highway, whether an original allowance or a road opened by the Quarter Sessions or by any municipal council, or other-

wise



wise legally established, whereby any person will be excluded from ingress and egress to and from his lands or place of residence over such road, unless the council, in addition to compensation, also provides for the use of such person some other convenient road or way of access to the said lands or residence.

(2) If the compensation offered by the council, to the owner of the lands, or the road provided for the owner in lieu of the original road, as a means of egress and ingress, is not mutually agreed upon between the council and the owner or owners, (as the case may be), the matters in dispute shall be referred to arbitration, under the provisions of this Act respecting arbitrations. R. S. O. 1897, c. 223, s. 629. Arbitration.

### *Width of Roads*

**630.**—(1.) No municipal council, except the council of a city or town, shall lay out any road or street more than 100 nor less than 66 feet in width, except where an existing road or street is widened, or unless with the permission of the council of the county in which the municipality is situate; but any road, when altered, may be of the same width as formerly. Width of roads,

(2) No highway or street, of a less width than 66 feet, shall be laid out by any owner of land, without the consent of the council of the municipality, by a three-fourths vote of the members thereof. R. S. O. 1897, c. 223, s. 630.

**631.**—(1) The municipal council of any city having a population of 50,000 or more may pass a general by-law prescribing the minimum width of streets, lanes, alleys or other public places within the municipality wherein dwelling houses may be erected or occupied, and the minimum area of vacant land to be attached to and used with any dwelling house hereafter to be erected, as the courtyard or curtilage thereof, and the mode of erection of buildings occupied or intended to be occupied as dwelling houses within the municipality or within any area or areas thereof to be defined by the said by-law or by any other by-law which may from time to time alter or amend or repeal such by-law. By-laws prescribing width of streets.

(2) Every such by-law before the final passing thereof shall be published in full twice in each week for four consecutive weeks in two newspapers published in the city with a notice appended thereto, stating the date when the council proposes to take into consideration the proposed by-law. R. S. O. 1897, c. 223, s. 631.

### *Notices of By-laws affecting Public Roads.*

**632.**—(1) No municipal council shall pass a by-law for stopping up, altering, widening, diverting, leasing or selling any Conditions precedent to passing by-

laws intended to affect public roads. any original allowance for road, or for establishing, opening, stopping up, altering, widening, diverting, leasing or selling any other public highway, road, street or lane;

Notice to be posted up. (a) Until written or printed notices of the intended by-law have been previously posted up for one month in six of the most public places in the immediate neighbourhood of such original allowance for road, street or other highway, road, street or lane;

And published in a newspaper. (b) And published weekly for at least four successive weeks in some newspaper published in the municipality; or if there be no such newspaper, then in a newspaper published in some neighbouring municipality; and, where no newspaper is published in the municipality or in a neighbouring municipality, then in the county town, if any such there be;

Persons prejudicially affected to be heard. (c) Nor until the council has heard, in person or by counsel or solicitor, any one whose land might be prejudicially affected thereby, and who petitions to be so heard.

Approval by Lieutenant-Governor of by-laws affecting certain highways. (2) In the case of road allowances reserved under original surveys along the bank of any river or stream or the shore of any lake or other water any such by-law shall not have force or effect until after the approval thereof by the Lieutenant-Governor in Council.

Clerk to give the notices on payment of expenses. (3) The clerk shall give such notices, at the request of the applicant for the by-law, and upon payment of the reasonable expenses attendant on such notices. R.S.O. 1897, c. 223, s. 632 (1)-(3).

Where price settled by agreement. (4) In case the council of any municipality, and the owners of or persons interested in lands required to be taken possession of for establishing a public road, mutually agree as to the price of or compensation to be paid for such lands, the council may accept a deed or deeds for the same, which shall be registered as provided by section 633 of this Act, and in such case the publication of the by-law required by clause (b) of sub-section 1 of this section shall be dispensed with. R.S.O. 1897, c. 223, s. 632 (4); 2 Edw. VII, c. 29, s. 30.

### *Registration of Road By-laws.*

By-laws under which roads are opened on private property to be registered. **633.**—(1) Every by-law passed since the 29th day of March, 1873, or hereafter to be passed by any municipal council under the authority of which any street, road or highway has been, or is, opened upon any private property, shall, before the same becomes effectual in law, be duly registered in the registry office of the registry division in which the land is situate; and for the purpose of registration a duplicate original or copy of the by-law shall be made out, certified under the hand of the clerk and the seal of the municipality, and shall be registered without any further proof. R.S.O. 1897, c. 223, s. 633 (1); 63 V. c. 33, s. 45.

(2)

(2) Every by-law passed before the said day, and every order and resolution of the Quarter or General Sessions, passed before said day, under the authority of which any street, road or highway has already been opened upon any private property, may, at the election of any person interested or of the municipality, and at the cost and charges of such person or municipality, be also duly registered, upon the production to the registrar of a duly certified copy of the by-law under the hand of the clerk of the municipality and the seal of the municipality, or by a duly certified copy of such order or resolution of the Quarter or General Sessions, given under the hand of the Clerk of the Peace, as the case may be. R.S.O. 1897, c. 223, s. 633 (2). *See also R.S.O. 1897, Cap. 136, Sec. 86.*

As to by-laws passed before 29th March, 1873.

*Disputes respecting Roads—Administration of Oaths.*

**634.** In case of disputes in any municipality concerning roads, allowances for roads, side lines, boundaries or concessions within the cognizance of and in the course of investigation before a municipal council, the head of the council may administer an oath or affirmation to any party or witness examined upon the matters in dispute. R.S.O. 1897, c. 223, s. 634.

Power to administer oath in certain cases.

*Mistakes in Opening Road Allowances.*

**635.**—(1) In case any municipality within whose jurisdiction an original road, or allowance for road is situate, opens that which they take and believe to be the true site of the same, and in case the municipality, their officers and servants, act in good faith, and take all reasonable means to inform themselves of the correctness of their line and work, and in case it appears that the road being opened, although not or not altogether upon the true line of the original road, or allowance for road, is nevertheless, from any difficulty in discovering correctly the true line, as near to, or as nearly upon, the true line as under the circumstances could then be ascertained, no action shall be brought by any person against the municipality, their officers or servants, for or in respect of the opening of such road, or allowance for road, or for any other act or matter whatsoever connected with or arising from the same.

Municipality and officers thereof protected from actions arising from mistakes in opening road allowances.

(2) The municipality shall, however, in any case respecting the opening of an original road, or road allowance, make to any person having title to or interest in the same, reasonable compensation in full of all claims, and as a final settlement of the same.

Municipality to make compensation.

(3) Claims for such compensation shall be made within one year from the time of the laying out or taking possession by the municipality or its officers of such road or the part thereof in respect of which compensation is claimed, and in the event of

Limitation of claims.



Arbitration. of the parties not agreeing as to the amount or terms of such compensation, the same shall be ascertained and the payment thereof enforced, under the provisions of this Act relating to arbitrations. R.S.O. 1897, c. 223, s. 635.

*Sign-posts, etc., Guides to Bicyclists.*

Canadian  
Wheelmen's  
Association  
authorized to  
place sign-  
posts on  
highways.

Proviso:

**636.** The Canadian Wheelmen's Association of the Dominion of Canada may, at the expense of said Association, erect and maintain for the benefit of bicyclists and other travellers upon the public roads and highways, sign-posts at road intersections and wherever necessary to guide travellers, and mile-posts to show distances, and danger signals at hills which may be deemed by the said Association dangerous or unsafe for travellers on bicycles. Provided that every such sign-post, mile post and danger sign shall be so placed as not to be an obstruction to the highway or to endanger the safety of any person travelling thereon; and provided further that no advertisements or notices shall be placed thereon except those only which give the names of places and show danger signs and distances as above mentioned, under a penalty of \$5 for every offence, to be recovered before any Justice of the Peace having jurisdiction in the locality. R.S.O. 1897, c. 223, s. 636.

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DIVISION II.—POWERS OF COUNTIES, TOWNSHIPS, CITIES, TOWNS AND VILLAGES IN RELATION TO ROADS AND BRIDGES.

*General powers. Sec. 637.*

*Boulevards. Sec. 638.*

*Areas or openings in or under streets and sidewalks. Sec. 639.*

*Bicycle paths Sec. 640 (1).*

*Roads crossing railways or railway lands. Sec. 640 (2).*

*Respecting straightening, etc., streams. Sec. 640 (3).*

“ *Tolls. Sec. 640 (4-5).*

“ *Dangerous places. Sec. 640 (6).*

“ *Timber, stone, etc., on road allowances. Sec. 640 (7).*

“ *Privileges to road or bridge companies. Sec. 640 (8, 9).*

“ *Procuring materials for repairing roads. Sec. 640 (10).*

“ *Road making machinery. Sec. 640 (10a) (10b).*

“ *Road allowances. Secs. 640 (11), 641.*

“ *Possession of unopened road allowances. Sec. 642.*

“ *Notice of by-laws for opening such allowances. Sec. 643.*

“ *Aid to adjoining municipalities in making roads or bridges. Sec. 644.*

“ *Aiding bridge companies. Sec. 645.*

“ *Statute labour on toll roads. Sec. 646.*

**637.** The council of every county, township, city, town and village may pass by-laws— By-laws may be made for—

*General Powers.*

1. For opening, making, preserving, improving, repairing, widening, altering, diverting, leasing, selling, or stopping up roads, streets, squares, alleys, lanes, bridges, or other public communications wholly within the jurisdiction of the council ; Opening or stopping up roads, etc.  
R.S.O., 1897, c. 223, s. 637, par. 1 ; 3 Edw. VII., c. 18, s. 134.

2. For entering upon, breaking up, taking or using any land in any way necessary or convenient for the said purposes, subject to the restrictions in this Act contained ; R.S.O. 1897, c. 223, s. 637, pars. 1, 2. Entering upon land.

3. For setting apart and laying out such portions of any such roads, streets, squares, alleys, lanes, bridges or other communications, as the council may deem necessary or expedient for the purpose of carriage ways, boulevards and sidewalks, or for the improvement or beautifying of the same ; R.S.O. 1897, c. 223, s. 637, par. 3 ; 62 V. (1), c. 2, Sched. (16). Setting apart carriage ways, boulevards and sidewalks.

4. For preventing and removing any obstructions upon any roads within its jurisdiction ; Obstructions on highways.

5. For permitting sub-ways for cattle under, and bridges for cattle over, any highway. R.S.O. 1897, c. 223, s. 637, pars. 4, 5. Subways or bridges for cattle.

*[Paragraphs 10a and 10b were added to this section by 2 Edw. VII, cap. 29, s. 31. This is an obvious error and these paragraphs are inserted in their proper place in section 640.]*

*Boulevards.*

**638.** The council of every city, town and village may pass by-laws,

1. For setting apart, upon such terms as to resumption by the municipality and otherwise as the by-law may state, portions of the public streets at or near the sides thereof for the purposes of boulevards ; By-laws for setting apart.

2. For regulating the construction and maintenance of such boulevards ; Regulating.

3. For permitting the owners of property abutting on any street to construct such boulevards at their own expense, but so as not to unreasonably confine, impede or incommode public traffic ; Permitting construction of.

4. For regulating and confirming boulevards already constructed on any street ; Confirming.

5. For making regulations for the protection of all boulevards constructed in the public streets. R.S.O. 1897, c. 223, s. 638. Protection of boulevards.

*Areas*

*Areas and Openings in or under Streets and Sidewalks.*

Construction  
of areas in or  
under side-  
walks.

**639.**—(1) Municipal corporations may permit areas or openings to be constructed in or under the sidewalks and streets of their respective municipalities, and may authorize the continuance of any such areas, constructed prior to July 1st, 1897, and may make an annual charge for such privilege and for the use of the areas or openings constructed prior to the said date of such sums as the council may think reasonable, and may enforce the payment of said sums in like manner as municipal taxes.

Existing  
agreements  
cancelled.

(2) All bonds and agreements entered into before and existing upon said date between any owner or owners of property in any municipality and the municipal corporation thereof for indemnity in respect of such areas are hereby cancelled and made void as to such indemnity except as to any rights or causes of action which have accrued thereunder to the corporation owing to any accident or injury arising from negligence in connection with such areas or from the improper use thereof prior to the said date.

No vested  
rights created.

(3) Neither this section nor any permission or privilege in respect of such areas or openings granted by any municipal corporation under this section shall interfere with any liability created or existing under the provisions of this Act, nor with the remedies over provided by section 609 of this Act, nor shall this section or such permission or privilege create any vested right in any such area or opening. R. S. O., 1897, c. 223, s. 639.

By-laws for

**640.** The council of every county, township, city, town and village may pass by-laws,

*Bicycle Paths.*

Bicycle paths.

1. For setting apart so much of any highway or road or street as the council of any such municipality having control over the same deems necessary for the purposes of a bicycle path; and any person who rides or drives a horse or other beast of burden, or a waggon, carriage or cart over or along such bicycle path shall incur the penalties imposed by *The Act to regulate Travelling on Public Highways and Bridges*.

Rev. Stat. c.  
286.

*Roads Crossing Railways and Railway Lands.*

Roads across  
railway lands.

2. For establishing, opening, making, preserving, improving, maintaining, widening, enlarging, altering, diverting or stopping up within the limits of the municipality, any highway through, over, across, under, along, or upon the railway and lands of any railway company, and for entering upon, breaking up, taking or using any such land in any way necessary or convenient for the said purpose; but subject to the provisions contained in *The Railway Streets and Drains Act*, and provided that the highway is within the jurisdiction of the council.

Rev. Stat.  
c. 241.



*Straightening, etc., Streams.*

3. Subject to the provisions of this Act respecting compensation for lands taken or injuriously affected,

For straightening, deepening, widening or diverting any river, creek or stream, for the purpose of preventing the flooding, undermining or carrying away of any land, or for preventing injury to any highway, bridge or other structure by the flow of the waters of any such river, creek or stream; but nothing herein shall authorize the interference with any mill site or water privilege on any such river, creek or stream.

Straightening,  
etc., streams  
dangerous to  
bridges, etc.

*Tolls.*

4. For raising money by toll on any bridge, road or other work to defray the expense of making or repairing the same.

Raising  
money by toll.

5. For granting to any person in consideration or part consideration of planking, gravelling or macadamizing a road, or of building a bridge, the tolls fixed by by-law to be levied on the work for a period of not more than twenty-one years after the work has been completed, and after such completion has been declared by a by-law of the council authorizing tolls to be collected; and the grantee of the tolls shall, during the period of his right thereto, maintain the road or bridge in repair.

Granting  
right to take  
toll.

*Dangerous Places.*

6. For making regulations as to pits, precipices and deep waters, and other places dangerous to travellers.

Making regu-  
lations as to  
dangerous  
places.

*Timber, Stone, etc., on Road Allowances.*

7. For preserving or selling timber, trees, stone, sand or gravel on any allowance or appropriation for a public road; but this shall be subject to the provisions of *The Act respecting Timber on Public Lands* relative to Government road allowances and the granting of Crown timber licenses.

For preserva-  
tion of trees,  
stone, etc.  
Rev. Stat. c.  
32.

*Granting Privileges to Road or Bridge Companies.*

8. For regulating the manner of granting to road or bridge companies permission to commence or proceed with roads or bridges within the jurisdiction of the council, and for regulating the manner of ascertaining and declaring the completion of the work, so as to entitle such companies to levy tolls thereon, and for regulating the manner of making the examinations necessary for the proper exercise of these powers by the council. *See also R.S.O. Cap. 193.*

Granting  
privileges to  
road or bridge  
companies.

9. For purchasing and holding by itself or jointly with any other municipality such land containing stone or gravel beds within its own or any adjoining municipality as may be necessary to procure stone or gravel therefrom for the purpose of constructing, maintaining or repairing any streets, roads or highways

Power to pur-  
chase and hold  
land, stone or  
gravel beds.  
Power to sell  
same.

highways owned by such municipality, and for selling and conveying the same whenever the object for which the same was purchased no longer exists.

*Procuring Materials for Repairing Roads.*

Power to take materials for roads.

10. For searching for and taking such timber, gravel, stone, or other material or materials (within the municipality) as may be necessary for keeping in repair any road or highway within the municipality; and, for the purpose aforesaid, with the consent of the council of an adjoining municipality (by resolution expressed), for searching for and taking gravel within the limits of such adjoining municipality;

Arbitration.

(a) The right of entry upon such lands, as well as the price or damage to be paid to any person for such timber or materials, shall, if not agreed upon by the parties concerned, be settled by arbitration under the provisions of this Act;

To be a condition precedent.

(b) No such gravel shall be taken or removed from the premises of any person in an adjoining municipality until the price or damage has been agreed upon between the parties, or settled by arbitration. R. S. O., 1897, c. 223, s. 640, pars. 1-10.

Power to pass over lands lying between highway and timber, gravel, etc.

(c) When such timber, gravel, stone or other material or materials is or are situate at a distance from the road or highway, upon which the same are to be used, the corporation may by its servants, officers or workmen enter upon and pass through or into or over the lands of any person lying between such road or highway and such timber, gravel, stone or other material or materials. Provided that before so doing the corporation shall pay to the owner of any such lands such compensation as may be agreed upon, or in default of agreement, such compensation as may be determined by arbitration under the provisions of this Act. 3 Edw. VII. c. 18, s. 135.

Proviso.

*Road Making Machinery.*

Contracts for purchase or rental of road making machinery.

10a. For contracting for the purchase, conditionally or otherwise, or for the rental for a term of years or otherwise, of road making machinery and appliances for public uses within the municipality, and such contract may provide that payment for such roadmaking machinery and appliances may be made in instalments extending over a period not exceeding five years.

Issuing debentures for price.

10b. For issuing debentures payable in not more than five years from the date of issue and for applying the proceeds of such debentures to paying for such road-making machinery and appliances, and it shall not be necessary to obtain the assent of the electors to any such by-law. 2 Edw. VII, c. 29, s. 31.

*Selling Road Allowances.*

11. For selling the original road allowance, to the persons next adjoining whose lands the same is situated, where a public road, for the site or line of which compensation has been paid, has been opened in lieu of the original road allowance, and for selling, in like manner, to the owners of any adjoining land, any road legally stopped up or altered by the council; and in case such persons respectively refuse to become the purchasers at such price as the council thinks reasonable, then for the sale thereof to any other person for the same or greater price.

When the council may stop up or sell a road allowance.

- (a) In the case of road allowances reserved under original surveys along or leading to the bank of any river or stream or the shore of any lake or other water, such by-law shall be of no effect unless and until the same has received the sanction of the Lieutenant-Governor in Council. R.S.O., 1897, c. 223, s. 640, par. 11; 62 V. (2), c. 26, s. 40.

**641.**—(1) In case any one in possession of a concession road or side line has laid out and opened a road or street in place thereof without receiving compensation therefor, or in case, in lieu of an original allowance for road, a new or travelled public road has been laid out and opened for which no compensation has been paid to the owner of the lands so appropriated, such owner, if his lands adjoin the concession road, side line, or original allowance, shall be entitled thereto, in lieu of the road so laid out; and the council of the municipality, upon the report in writing of its surveyor, or of an Ontario land surveyor, that such new or travelled road is sufficient for the purposes of a public highway, may convey the said original allowance for road, in fee simple, to the person or persons upon whose land the new road runs.

When owner of land taken to be entitled to original road.

(2) Where such original road allowance is, in the opinion of the council, useless to the public, and lies between lands owned by different persons, the municipal council may, subject to the conditions aforesaid, sell and convey a part thereof to each of such persons, as may seem just and reasonable; and in case compensation was not paid for the new road, and the person through whose land the same passes does not own the land adjoining the original road allowance, the amount received from the purchaser of the corresponding part of the road allowance when sold shall be paid to the person who at the time of the sale owns the land through which the new road passes. R. S. O., 1897, c. 223, s. 641.

Compensation to person whose land is taken who does not own land adjoining original road.

*Possession of Unopened Road Allowances.*

**642.** In case a person is in possession of any part of a government allowance for road, laid out immediately adjoining his lot and enclosed by a lawful fence, and which has not been opened for public

Original allowances for road when to be deemed legal-



ly possessed  
till a by-law is  
passed for  
opening them.

public use by reason of another road being used in lieu thereof, or is in possession of any government allowance for road parallel or near to which a road has been established by law in lieu thereof, such person shall, as against any private person, be deemed legally possessed thereof until a by-law for opening such allowance for road has been passed by the council having jurisdiction over the same. R. S. O., 1897. c. 223, s. 642; 3 Edw. VII, c. 18, s. 136.

*Notice of By-laws for Opening such Allowances.*

Notice of by-  
law to be  
given.

**643.** No such by-law shall be passed until notice in writing has been given to the person in possession, at least eight days before the meeting of the council, that an application will be made for opening such allowance. R.S.O., 1897, c. 223, s. 643.

*Aiding in making Roads and Bridges.*

By-laws to aid  
adjoining  
municipality  
to open roads,  
etc.

**644.** The council of any municipality may pass by-laws for granting aid to any immediately adjoining municipality in making, opening, maintaining, widening, raising, lowering, or otherwise improving any highway, road, street, bridge, or communication passing from or through such adjoining municipality. R. S. O., 1897, c. 223, s. 644; 3 Edw. VII, c. 18, s. 137.

*Aiding Bridge Companies.*

Aiding bridge  
companies.

**645.** The council of every county, township, city, town or village, may pass by-laws for subscribing for any number of shares in the capital stock of, or for lending to or guaranteeing the payment of any sum of money borrowed by any bridge company incorporated for the purpose of erecting and maintaining any bridge within, or partly within, the municipality or between the municipality and another, and all the clauses of section 694 of this Act shall apply in the same manner, and with the same effect, as if the words "or bridge company" were inserted in clause 5 in the first line after the words "railway company," and the words "or bridge" were inserted after the word "railway" in the second line of the said clause. R. S. O., 1897, c. 223, s. 645.

*Statute Labour on Toll Roads.*

Power to  
agree with  
owners of toll  
road as to the  
expenditure of  
statute labour  
thereon.

**646.** The council of every county, township, city, town or village through or adjoining which any toll road passes may enter into an agreement with the owner or owners of such toll road to expend on such road, for a limited number of years, such statute labour or such sum of money as may be agreed upon and that at the end of the term of years agreed upon such toll road shall be made free and shall become the property of the municipality or municipalities in which the same is situate. R. S. O., 1897, c. 223, s. 646.

DIVISION III.—POWERS OF TOWNSHIPS, CITIES, TOWNS AND VILLAGES IN RELATION TO ROADS AND BRIDGES.

*Aiding Counties in opening New Roads. Sec. 647 (1).*

*Joint works with other Municipalities. Sec. 647 (2).*

*Improvements on Streets between two Municipalities. Sec. 647 (3).*

*Repair of Township Roads, how enforced. Secs. 648-656.*

**647.** The council of every city, town, township or village may pass by-laws— By-laws may be made for—

*New Roads.*

1. For granting to the county in which the municipality lies, aid, by loan or otherwise, towards opening or making any new road or bridge on the boundaries of the municipality. Aiding counties in making roads and bridges.

*Joint Works with other Municipalities.*

2. For entering into and performing any arrangement with any other council in the same county for executing, at their joint expense and for their joint benefit, any work within the jurisdiction of the council. Joint works with other municipalities.

*Improvements on Streets between Two Municipalities.*

3. Wherever a public street, square or drive forms the boundary between any two or more municipalities (although such street, square or drive is wholly within the limits of one of such municipalities or partly in each), the councils of such municipalities may make and enter into any agreements and pass any by-laws proper and necessary to provide for the construction and maintenance of any one or more of the street improvements or works, and the performance of any one or more of the street services for which provision is made in this Act in sections 664 to 686, both inclusive; and every such council may pass by-laws for ascertaining, determining and raising so much of the cost of any such work, improvement or service as is to be borne by the municipality generally, and for determining the proportion thereof to be assessed and levied upon the real property benefited thereby, and for assessing and levying upon the real property so benefited and situate within its jurisdiction, and for collecting the proportion or share of the cost of any such improvement, work or service done under any such agreement by the municipality, in the same manner and with the like remedies as if the improvement had been made or the work had been done or the service had been rendered upon or in a street within the municipality and as if the cost thereof was assessable upon real property, the whole of which was situate in the same municipality. R. S. O., 1897, c. 223, s. 647.

*Repair*

*Repair of Township Roads—how enforced.*

**648.** Wherever township councils fail by mutual agreement as to the share to be borne by each, to maintain township boundary lines not assumed by the county council, in the same way as other township roads, it shall be competent for one or more of such councils to apply to the county council to enforce joint action on the part of the councils of all the townships interested. R. S. O., 1897, c. 223, s. 648; 3 Edw. VII, c. 18, s. 138.

**649.** In cases where the councils of all the townships interested neglect or refuse to open up and repair such lines of road in a manner similar to the other local roads, it shall be competent for a majority of the ratepayers resident on the lots bordering on either or both sides of such line, to petition the county council to enforce the opening up or repair of such lines of road by the councils of the townships interested. R. S. O., 1897, c. 223, s. 649; 3 Edw. VII, c. 18, s. 139.

**650.** A county council receiving such petition, either from township councils or from ratepayers, as in the preceding section mentioned, may consider and act upon the same at the session at which the petition is presented. R. S. O., 1897, c. 223, s. 650.

**651.** The county council may determine the amount which each township council interested shall be required to apply for the opening or repairing of such lines of road, or may direct the expenditure of a certain portion of the statute labour, or both, as may seem necessary to make the said lines of road equal to other roads. R. S. O., 1897, c. 223, s. 651.

**652.** It shall be the duty of the county council to appoint a commissioner or commissioners to execute and enforce their orders or by-laws relative to such roads. If the representatives of any or all of the townships interested intimate to the council or to the commissioner or commissioners so appointed, their intention to execute the work themselves, then the commissioner or commissioners shall delay proceedings for a reasonable time; but if the work is not proceeded with during the favourable season by the township officers, then the commissioners shall undertake and finish it themselves. R. S. O., 1897, c. 223, s. 652.

**653.** Any sum of money so determined by the county council as the portion to be paid by the respective townships, shall be paid by the county treasurer, on the order of the commissioner or commissioners, and the amount shall be retained out of any money in his hands belonging to such township; but if there are not, at any time before the striking of a county rate, any such moneys belonging to such township in the treasurer's hands,



hands, an additional rate shall be levied by the county council against such township sufficient to cover such advances. R. S. O., 1897, c. 223, s. 653.

**654.** Whenever the several townships interested in the whole or part of any county boundary line road are unable mutually to agree as to their respective shares of money to be paid or of work to be done or of both, in opening or maintaining such boundary line road, or portion thereof, one or more of such township councils may apply to the wardens of the bordering counties to determine jointly the amount which each township shall be required to expend on such road, either in money or statute labour,\* or both, and the mode of expenditure; the County Judge of the county in which the township first making the application is situate, shall in all cases be the third arbitrator. R. S. O., 1897, c. 223, s. 654.

When the several townships interested cannot agree.  
Wardens to be arbitrators.  
County judge to be third arbitrator.

**655.** It shall be the duty of the wardens of the counties interested, within twenty-one days from the time of receiving the application, to meet for the determination of the matter in dispute. The warden of the county in which the township first making the application is situated, shall be the convener of the meeting; and it shall be his duty, within eight days after receiving the application, to notify the warden of the other county and County Judge of the time and place of meeting. R. S. O., 1897, c. 223, s. 655.

Meetings of wardens.  
Who to convene, etc.

**656.** At such meeting the wardens and County Judge, or any two of them, shall determine the share to be borne by the respective townships, of the amount required on the part or parts to be opened or repaired by each or both, and shall appoint a commissioner or commissioners to superintend such work, and it shall be the duty of the township treasurer to pay the orders of the commissioners to the extent of the sum apportioned to each; and pathmasters controlling the statute labour on the lots adjoining such line, on the portion of such line to be opened or repaired, shall obey the orders of the commissioner or commissioners in performing the statute labour unexpended. R. S. O., 1897, c. 223, s. 656.

What the wardens and county judge shall determine, etc.

#### DIVISION IV.—POWERS OF COUNTY AND TOWNSHIP COUNCILS IN RELATION TO ROADS.

##### *Sale or Lease of Minerals on or under Roads. Sec. 657.*

**657.**—(1) The corporation of any county, or township wherever minerals are found, may sell or lease, by public auction or otherwise, the right to take minerals found upon, or under any roads over which the township or county has jurisdiction, if considered expedient so to do.

Sale or lease of mineral rights under roads.

(2)

No sale or  
lease till after  
notice.

(2) No such sale or lease shall take place until after due notice of the intended by-law has been posted up in six of the most public places in the immediate neighbourhood of such road, for at least one month previous to the time fixed for considering the by-law.

Sale or lease  
not to inter-  
fere with pub-  
lic travel.

(3) The deed of conveyance or lease to the purchaser or lessee under the by-law, shall contain a proviso protecting the road for public travel, and preventing any uses of the granted rights which would interfere with public travel. R. S. O., 1897, c. 223, s. 657.

#### DIVISION V.—POWERS OF COUNTY COUNCILS IN RELATION TO ROADS AND BRIDGES.

*Closing road allowances. Sec. 658 (1).*

*Opening and altering roads. Sec. 658 (2).*

*Trees obstructing highways. Sec. 658 (3).*

*Double tracks in snow roads. Sec. 658 (4).*

*Aid to local municipalities. Sec. 658 (5).*

*Repair of county roads therein. Sec. 658 (6).*

*Abandoning or disposing of toll roads. Sec. 658 (7).*

*Improvements by united counties. Sec. 659.*

By-laws for—

**658.** The council of every county shall have power to pass by-laws for the following purposes :—

##### *Closing Road Allowances.*

Disposing of  
original allow-  
ance for roads  
in certain  
cases.

1. For stopping up, or stopping up and sale, of any original allowance for road or any part thereof within the county, which is subject to the sole jurisdiction and control of the council, and not being within the limits of any village, town or city within or adjoining the county ; but the by-law for this purpose shall be subject to section 632 of this Act.

##### *Opening and Altering Roads.*

Opening, etc.,  
roads, etc.,  
within or be-  
tween several  
municipalities.

2. For opening, making, preserving, improving, repairing, widening, altering, diverting and stopping up roads, streets, squares, alleys, lanes, bridges or other public communications, running or being within one or more townships, or between two or more townships of the county ; or any bridge required to be built or made across any river or stream over 100 feet in width within any village in the county connecting any public highway leading through the county, and which is in continuation of a county road, or between the county and any adjoining county or city or separated town, or on the bounds of any town or village, within the boundaries of the county, as the interests of the inhabitants of the county,

county, in the opinion of the council, require to be so opened, made, preserved and improved; and for entering upon, breaking up, taking or using any land in any way necessary or convenient for the said purposes, subject to the restrictions herein contained.

### *Trees Obstructing Highways.*

3. For directing that, on each and either side of a highway under the jurisdiction of the council, passing through a wood, the trees (except such as are reserved by the owner for ornament or shelter) shall, for a space not exceeding twenty-five feet on each side of the highway, be cut down and removed by the proprietor within a time appointed by the by-law, or, in his default, by the county surveyor or other officer in whose division the land lies; and, in the latter case, for authorizing the trees to be used by the overseer or other officer for any purpose connected with the improvement of the highways and bridges in his division, or to be sold by him to defray the expenses of carrying the by-law into effect; and the council may further pay such expenses out of county funds.

May direct the trees to be cleared on each side of highways.

### *Double Tracks in Snow Roads.*

4. For providing for the making and keeping open of double tracks in snow roads according to the provisions of *The Act respecting Double Tracks in Snow Roads*; R.S.O., 1897, c. 223, s. 658, pars. 1-4.

Double tracks in snow roads  
Rev. Stat. c. 237.

### *Aiding Local Municipalities.*

5. For granting to any town, township or village in the county, aid, by loan or otherwise, towards opening or making any new road or bridge in the town, township or village, in cases where the council deems the county at large sufficiently interested in the work to justify such assistance, but not sufficiently interested to justify the council in at once assuming the same as a county work; R.S.O. 1897, c. 223, s. 658, par. 5; 3 Edw. VII, c. 18, s. 140, (1).

For aiding the making of roads and bridges.

6. For granting aid to any town, township or village in the county in making, opening, maintaining, widening, raising, lowering or otherwise improving any highway, road, street, bridge or communication passing from or through any town, township or village municipality into a county road. R.S.O. 1897, c. 223, s. 658, par. 6.

Aid to local municipalities for construction or maintenance of road.

[*Rev. Stat. c. 223, s. 658, par. 7, repealed by 3 Edw. VII, c. 18, s. 140, (2).*]

### *Repair of County Roads in Local Municipalities.*

8. For requiring that the whole or any part of a county road within any local municipality shall be opened, improved and maintained by such local municipality.

Opening roads in local municipalities.

### *Abandoning*



*Abandoning or Disposing of Toll Roads.*

Disposing of  
roads.

9. For abandoning or otherwise disposing of the whole or any portion of a toll or any other road owned by a county, whether situated wholly within the county or partly within the county and partly within an adjoining county or counties.

(a) On the passing of such by-law the clerk shall forthwith forward a certified copy thereof to the local municipality or municipalities which any portion of said abandoned road runs through or along or borders upon.

(b) No such by-law shall take effect until assented to by the local municipality or municipalities affected, nor until the same shall have been approved by the Lieutenant-Governor in Council. R. S. O., 1897, c. 223, s. 658 ; pars. 8, 9.

*Improvements by United Counties.*

Enabling  
either county  
of a union to  
make  
improvements  
therein.

**659.**—(1) The councils of united counties may make appropriations and raise funds to enable either county, separately, to carry on such improvements as may be required by the inhabitants thereof.

Councillors  
representing  
the county  
interested  
alone to vote.

(2) Whenever any such measure is brought before the council of any united counties, none but the members thereof representing the county council divisions comprising the county to be affected by the measure shall vote; except in case of an equality of votes, when the warden, whether a representative of any portion of the county to be affected by the measure or not, shall have the casting vote.

Exception.

Provisions of  
this Act for  
repayment to  
apply.

(3) In all other respects, all the provisions of this Act making provision for the payment of the amounts appropriated, whether to be borrowed upon a loan or to be raised directly by taxation, shall be adhered to.

Treasurer to  
pay over  
moneys with-  
out deduction.

(4) The treasurer of the united counties shall pay over all sums so raised and paid into his hands by the several collectors, without any deduction or percentage; R.S.O. 1897, c. 223, s. 659, (1), (4).

The property  
to be assessed  
in such cases

(5) The property to be assessed for the purposes contemplated in the last four preceding subsections, shall be the same as the property assessed for any other county purpose, except that any sum to be raised for the purposes of one county only, or for the payment of any debt contracted for the purposes of one county only, shall be assessed and levied solely upon property assessed in such county, and not upon property in any other county united with it, and any debenture that may be issued for such purposes shall be issued as the debenture of the united counties, but it shall be stated in the body thereof that it is to be a charge upon such one county only and such debenture

ture shall be as valid and binding upon such county as if such county were a separate municipality. R. S. O., 1897, c. 223, s. 659, (5); 3 Edw. VII c. 18, s. 141.

## DIVISION VI.—POWERS OF TOWNSHIP COUNCILS IN RELATION TO ROADS AND BRIDGES.

*Aiding counties.* Sec. 660 (1).

*Closing road allowances.* Sec. 660 (2).

*Trees obstructing highways.* Sec. 660 (3).

*Footpaths.* Sec. 660 (4).

*Sale of roads in villages and hamlets.* Secs. 661, 662.

*Roads connecting side lines in double-front concessions.*  
Sec. 663.

**660.** The council of every township may pass by-laws— By-laws for—

### *Aiding Counties.*

1. For granting to any adjoining county, aid in making, opening, maintaining, widening, raising, lowering or otherwise improving any highway, road, street, bridge or communication lying between the township and any other municipality, and for granting like aid, to the county in which the township lies, in respect of any highway, road, street, bridge, or communication, within the township, assumed by the county as a county work, or agreed to be so assumed on condition of such grant.

Aiding adjoining county in making roads, etc., and granting aid to county for roads assumed by county.

### *Closing Road Allowances.*

2. For the stopping up, leasing or sale of any original allowance for road, or any part thereof, within the municipality; and for fixing and declaring therein, the terms upon which the same is to be leased, sold and conveyed;

Stopping up, leasing or sale of original road allowance.

But no such by-laws shall have any force—

(a) Unless passed in accordance with section 632 of this Act, nor Proviso.

(b) Until confirmed by a by-law of the council of the county in which the township is situate, at an ordinary session of the county council, held not sooner than three months nor later than one year next after the passing thereof.

### *Trees obstructing Highways.*

3. For directing that, on each or either side of a highway under the jurisdiction of the council, passing through a wood, the trees (except such as are reserved by the owner for ornament

Ordering trees to be cut down on each side of a road.

ment or shelter) shall, for a space not exceeding twenty-five feet on each side of the highway, be cut down and removed by the proprietor within a time appointed by the by-law, or, on his default, by the overseer of highways, or other officer in whose division the land lies; and, in the latter case, for authorizing the trees to be used by the overseer or other officer for any purpose connected with the improvement of the highways and bridges in his division, or to be sold by him to defray the expenses of carrying the by-law into effect; and the council may grant, out of township funds, any money that it may be necessary to pay for cutting down and removing such trees.

*Footpaths.*

Footpaths.

4. For setting apart so much of any highway as the council may deem necessary for the purposes of a footpath, and for imposing penalties on persons travelling thereon on horseback or in vehicles. R. S. O., 1897, c. 223, s. 660.

*Sale of Roads in Villages or Hamlets.*

When roads in police villages and certain hamlets may be stopped up sold, etc., by township council.

**661.**—(1) In case the trustees of any police village, or fifteen of the inhabitant householders of any other unincorporated village or hamlet consisting of not less than twenty dwelling houses standing within an area of 200 acres, petition the council of the township in which the village or hamlet is situate, and in case the petition of such unincorporated village or hamlet, not being a police village, is accompanied by a certificate from the registrar of the registry division within which the township lies, that a plan of the village or hamlet has been duly deposited in his office according to the registry laws, the council may pass a by-law to stop up, sell and convey, or otherwise deal with any original allowance for road lying within the limits of the village or hamlet, as the same shall be laid down on the plan, but subject to all the restrictions contained in this Act with reference to the sale of original allowances. R.S.O., 1897, c. 223, s. 661.

When village is partly in each of two townships.

**662.** The preceding section shall apply to a village or hamlet situate in two townships, whether such townships are in the same or different counties, and in such case the council of each of the townships shall have the power thereby conferred, as to any original allowance for road lying within that part of the village or hamlet which, according to the registered plan, is situate within such township. R.S.O., 1897, c. 223, s. 662.

*Roads connecting Side Lines in Double Front Concessions.*

Side lines in double front concessions.

**663.**—(1) In any township in which the concessions have been surveyed with double fronts, that is with posts or monuments planted on both sides of the road allowances between the concessions,



concessions, and the division or side lines drawn from the posts at both ends to the centre of the concession do not meet, and road allowances have been laid out along such lines, the council may by by-law provide for the opening and laying out (upon a survey made by an Ontario land surveyor, to be named in the by-law) of a roadway connecting the ends of such road allowances. R.S.O., 1897, c. 223, s. 663 (1); 3 Edw. VII c. 18, s. 142 (1).

(2) The centre of such roadway shall be determined by a straight line drawn along the centre of the concession between the ends of such road allowances, unless it appears to the surveyor that any other line would be more suitable according to the circumstances of the case. R.S.O., 1897, c. 223, s. 663 (2).

(3) The surveyor shall determine the compensation to be paid to persons whose lands are taken for opening and laying out the said connecting road, and the amount so determined shall be paid to such persons by the municipal corporation of the township. R.S.O., 1897, c. 223, s. 663 (3); 3 Edw. VII c. 18, s. 142 (2).

(4) A copy of the by-law shall be served upon all persons over whose lands the proposed connecting road will pass; and any such person desiring to object to the surveyor named in the by-law may, within one month after service thereof upon him, serve on the clerk of the municipality and on the other persons interested a notice of objection to such surveyor together with an appointment returnable before the County Judge of the county in which the lands lie. R.S.O., 1897, c. 223, s. 663 (4); 3 Edw. VII c. 18, s. 142 (3).

(5) Upon the return of the appointment the Judge, after hearing all parties concerned may confirm the appointment of the surveyor named in the by-law or may name and appoint some other Ontario land surveyor to carry out the terms of the by-law; and in such case the surveyor so appointed shall act in the place and stead of the surveyor named in the by-law. R.S.O., 1897, c. 223, s. 663 (5).

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### TITLE III—POWERS OF MUNICIPAL COUNCILS AS TO LOCAL IMPROVEMENTS.

DIV. I.—TOWNSHIPS, CITIES, TOWNS AND VILLAGES.

DIV. II.—TOWNSHIPS AND VILLAGES.

DIV. III.—TOWNSHIPS.

DIV. IV.—COUNTIES.

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#### DIVISION I.—TOWNSHIPS, CITIES, TOWNS AND VILLAGES.

*General powers as to local improvements. Sec. 664.*

*Sewers—Special provisions as to. Sec. 664a.*

*Rate*

*Rate to be a frontage rate. Sec. 665 (1).*

*Provision in case of insufficient or excessive assessment.*

*Sec. 665 (2).*

*Townships—Special provision as to. Sec. 665 (3).*

*Ordinary repair and maintenance. Sec. 666.*

*General by-law sufficient. Sec. 667.*

#### MODE OF INITIATING LOCAL IMPROVEMENTS.

*On petition. Sec. 668 (1)-(3).*

*On sanitary grounds. Sec. 668 (4).*

*On the initiative method. Sec. 669.*

*Short form of local improvement by-law. Sec. 670.*

*Notice may be given in lieu of advertising by-law.*

*Sec. 671 (1).*

*Contents of notice and how served. Sec. 671 (2), (3).*

*When rate a frontage rate and by-law a general by-law.*

*Sec. 671 (3).*

*Appeal to Court of Revision and County Judge. Sec.*

*671 (4), (5), (6).*

*When assessment becomes final. Sec. 671 (7).*

*When second Court of Revision unnecessary. Sec. 671 (8).*

*Power to incur debts for cost of local improvements. Sec.*

*672.*

*Settling with contractors as upon quantum meruit. Sec.*

*672a.*

#### SPECIAL PROVISIONS AS TO ASSESSMENTS FOR LOCAL IMPROVEMENTS.

*As to sewers.—Branch drains. Sec. 673 (1).*

*Other properties benefited. Sec. 673 (2).*

*As to pavements, private drains, water mains, etc.*

*Sec. 673 (3).*

*As to corner lots and irregular pieces of land.*

*Sec. 673 (4-5).*

*Lands on same street unequally benefited. Sec. 673 (6).*

*Lands fronting on parks, boulevards, etc. Sec. 673 (7).*

#### BRIDGES, STREET EXTENSIONS, <sup>(1)</sup> SIDEWALKS AND STREET INTERSECTIONS.

*Property not fronting or abutting thereon may be assessed.*

*Sec. 674 (1) (2).*

*Townships—Special provision as to. Sec. 674 (3).*

*Townships—Purchase of bridges, etc., built by private owners. Sec. 674 (4).*

*Corporation's share of cost of pavements, bridges, etc.*

*Sec. 675.*

*Sidewalks constructed by private owners. Sec. 676.*

*When*

*When cities and towns may lay sidewalks without petition or notice. Sec. 677.*

*Cities and towns may pay part of cost of improved sidewalks. Sec. 678.*

*Cost of improvements at street intersections or opposite exempt property. Sec. 679.*

#### MISCELLANEOUS CLAUSES.

*Exemption of locally assessed property from general rates for like purposes. Sec. 680.*

*Covenants against incumbrances how construed. Sec. 681.*

*Adoption by electors of local improvement system. Sec. 682 (1) (2).*

*Extension of system in such cases. Sec. 682 (3).*

*Certain exempt property assessable for local improvements. Secs. 683, 684*

*Municipalities' share of L. I. debts may be raised without electors' assent. Sec. 685 (1).*

*Ratepayers' share of L. I. debts not to be part of general debt. Sec. 685 (2).*

*Extension of local improvement system to—*

*(a) Sweeping, watering and lighting streets. Sec. 686 (1-2).*

*(b) Cutting grass or weeds, trimming trees or shrubbery. Sec. 686 (3).*

*(c) Removal of snow, ice and dirt. Sec. 686 (4).*

**664.**—The council of every township, city, town and incorporated village for the purpose of effecting local improvements and works, the whole or a part of the cost of which it proposes to assess upon the real property specially benefited thereby, may, subject as hereinafter provided, pass by-laws for the following purposes:—

1. For (a) opening, widening, extending, prolonging, altering the grade of or diverting any public street, lane, alley or place, or opening up or establishing a new street in the municipality, or (b) constructing or reconstructing any bridge, culvert, subway or embankment as part of any public street, lane, alley or place, or any roadway or pavement thereon, or (c) constructing, reconstructing, enlarging or prolonging and extending any common sewer or drain into or through the lands of any owner other than the municipal corporation and making all proper and necessary connections therewith.

Bylaw for constructing work at cost of property benefited.

Local improvements involving damages to lands or taking lands.

2. For (a) constructing, reconstructing, enlarging or prolonging and extending any common sewer or drain, and constructing and making all proper and necessary private drain connections therewith in and along any public street, lane, alley or place or any part thereof, or (b) for constructing roadways, or macadamizing, planking, paving or curbing any public

Making local improvements where no lands are taken or damaged.

lic



lic street, lane, alley or place or (c) for resurfacing with asphalt or other suitable material a pavement having a concrete foundation which in the opinion of the engineer is sufficient therefor, or (d) for constructing sidewalks or footways in, upon and along any public street, lane, alley or place and for reconstructing any such roadway, curbing or sidewalk, or footway, when the term of the special assessment therefor shall have expired or the work or improvement shall be worn out, or (e) for setting apart a portion or portions of any public street or place for the purpose of a boulevard or boulevards thereon and therein and for constructing and maintaining such boulevard or boulevards, or (f) for sodding any portion of and planting, maintaining and caring for trees, shrubs and plants upon and in any public street, square or other public place.

Extension of water or gas works, or light, heat and power works.

3. When the Municipal Corporation owns a system of water-works, gas works or electric light, heat and power works or any of them, for constructing, extending and maintaining all such mains, conduits and pipes, and for constructing all such branch mains, conduits and pipes, erecting all such poles and wires, making connections with all buildings and premises and constructing all such other works and doing all such other things as may be necessary for the supplying of water, gas, electric light, heat or power or any of them for public as well as for private uses.

Ascertaining estimated cost of local improvements.

4. For providing the means of ascertaining and determining the probable cost of every such work, improvement or service above mentioned.

Ascertaining real property benefited by local improvements.

5. Subject as hereinafter provided, for providing the means of ascertaining and determining what real property will be benefited by the construction and carrying out of any of the above mentioned works, improvements or services; what portion thereof is liable for special assessments therefor and what portion thereof, if any, is exempt from such special assessment; what proportion or amount of the cost of any such proposed improvement, work or service is to be assumed and borne by the municipal corporation as its share or part thereof, and what proportion or amount thereof is to be charged against and specially assessed upon the assessable real property benefited thereby; the proportion in which the assessment of that part of the said cost which is chargeable against the real property benefited is to be made upon the various portions of real property benefited thereby; the time to be allowed for the payment of any debt which may be created for the purposes of any such improvement, work or service, and the number of annual special assessments which will be imposed to pay the interest upon the said debt and create a sinking fund sufficient to extinguish the debt at maturity, or to pay the annual instalments covering interest and part of the principal of the debt as the case may be.

6. Subject also as herein provided for assessing the cost of any such improvement, work or service or such portion of the cost thereof as may be permitted by this Act upon the real property to be benefited thereby, and for levying and collecting such cost or such portion thereof by an annual special rate upon the said real property according to the frontage thereof.

Assessing real property benefited for cost of certain works.

7. For regulating the time or times and the manner in which the special assessments to be levied and collected under this section are to be paid, and for arranging the terms upon which the owners and other persons liable to pay the same may commute by the cash payment of their proportionate shares of the cost of any such work, improvement or service in principal sums.

Regulating time and manner of payment of special assessments.

8. For effecting any of the improvements, works or services mentioned above with funds provided by persons desirous of having the same effected 3 Edw. VII c. 18, s. 143, *part*.

Doing work where funds furnished by persons.

**664a.** If the contemplated work or improvement is the construction of a common sewer having a sectional area of more than four feet, one-third of the whole cost thereof shall be provided for by the council. The council of every municipality shall also provide, in connection with all sewers and roadways, the cost of all culverts and other works necessary for street surface drainage, and may also in the case of roadways and sidewalks provide the cost of that part of every work, improvement or service which is incurred at and is chargeable in respect of street intersections, and also that part thereof done or made opposite real property which by any general or special Act is exempt from special or local assessment. 3 Edw. VII c. 18, s. 143, *part*.

Construction of sewers, &c., in part to be provided by the municipality.

**665.**—(1) The special rate to be so assessed and levied shall be an annual rate according to the frontage thereof, upon the real property immediately benefited by the work or improvement.

Rate to be assessed on frontage.

(2) If in any case the first assessment for any such work or improvement proves insufficient, the council shall make a second or other additional assessment in the same manner, and so on until sufficient moneys have been realized to pay for such improvement or work, and if too large a sum has at any time been raised, the excess shall be refunded rateably to those by whom it was paid.

Provision in case of insufficient or excessive assessment.

(3) In the case of a township, any portion of which is situate within five miles of a city containing 50,000 inhabitants or over, if the council determine that any real property other than that fronting or abutting on the street, lane, alley, public way or place, or the portion thereof whereon or wherein the improvement made or to be made, is specially benefited and ought to be charged with a part of the cost thereof,

Assessment of cost of certain local improvements in townships.

thereof, and determine the proportion in which the cost of the improvement is to be assessed against the land so benefited, the council may, upon the petition of three-fourths in number of the owners representing three-fourths in value of the lands to be benefited, assess and levy, by frontage rate in like manner as the same would be assessed and levied in the case of lands fronting or abutting upon the street, lane, alley, public way or place, or the portion thereof whereon or wherein the improvement is made or to be made, the proportion of the costs chargeable against the lands benefited, whether such lands do or do not front or abut upon such street, lane, alley, public way or place.

Proviso.

Provided, that instead of assessing and levying by a frontage rate, the council may by by-law provide that the cost of the local improvement therein specified may be assessed and levied by a special rate upon the lands benefited thereby, according to the proportion of benefit received therefrom, instead of by a frontage rate. R. S. O., 1897, c. 223, s. 665.

Preceding sections not to apply to ordinary repair or maintenance.

**666.**—(1) Nothing contained in the three next preceding sections shall be construed to apply to any work of ordinary repair or maintenance; and all works or improvements constructed under the said sections shall thereafter be kept in a good and sufficient state of repair at the expense of the township, city, town, or village generally. R. S. O., 1897, c. 223, s. 666.

Compelling municipality to maintain.

works constructed as local improvements.

(2) Any ratepayer whose property has been assessed for the said works or improvements, may, on giving one month's notice to the said municipality that the said works or improvements are not in such good and sufficient state of repair, apply by a summary proceeding to a Judge of the High Court of Justice, or to a County Judge having jurisdiction in such municipality, for an order respecting the keeping of the said works or improvements in such a state of repair as may be reasonable and proper and as is hereinbefore required. 62 V. (2) c. 26, s. 41; 2 Edw. VII, c. 29, s. 32.

General by-law for determining property benefited by improvements, sufficient.

**667.** It shall be deemed to have been and to be a sufficient compliance with the provisions of section 664 if the council shall have passed or shall pass a general by-law or general by-laws, providing the means of ascertaining and determining what real property will be immediately benefited by any proposed work or improvement, the expense of which is proposed to be assessed upon the real property immediately benefited thereby, and of ascertaining and determining the proportions in which the assessment of the final cost thereof is to be made on the various portions of real estate so benefited, and it shall not be deemed to have been, or to be necessary to pass a special by-law in each particular instance for the purposes above mentioned. R. S. O., 1897, c. 223, s. 667.



## MODE OF INITIATING LOCAL IMPROVEMENT WORKS.

(1) *By Petition.*

**668.**—(1) Upon the receipt of a petition praying for any of the works and improvements mentioned in section 664 of this Act signed by at least two-thirds in number of the owners of any real property to be benefited thereby, according to the last revised assessment roll of the municipality, such owners representing at least one-half in value of such real property—the number of such owners and the value of such real property as appears by the last revised assessment roll as aforesaid having been first ascertained and finally determined in the manner and by the means provided by by-law in that behalf—the council may take all proper and necessary proceedings for the execution and completion of the work or improvement with as little delay as possible, and after such final determination no name shall be removed from such petition without the consent of the Judge of the County Court. R. S. O., 1897, c. 223, s. 668 (1); 62 V. (2) c. 26, s. 42 (1); 3 Edw. VII c. 18, s. 144.

Council to undertake works on petition of owners to be benefited.

Petition for local improvements.

(2) Where the word “owner” occurs in this Act in sections 664 to 686, both inclusive, 689 and 690, it shall be construed and deemed to include a leaseholder, the unexpired term of whose lease (including any renewals therein provided) extends over a period which is not less than the duration of the proposed assessment, if the lessee has covenanted in his lease to pay all municipal taxes on the demised property during the term of said lease, and would be liable for the taxes for the proposed improvements, and every such lessee shall have the same right to petition for or against any local improvement proposed to be constructed under this Act as if he were the owner of the property liable to be assessed therefor.

“Owner” to include certain leaseholders.

(3) In any case where a lessee has the right to petition for or against any proposed improvement under the provisions of the last preceding subsection, the owner of the property in fee shall not have such right.

Owner not to petition where lessee may.

(a) This subsection and subsection 2 shall not apply to townships.

(2) *On Sanitary Grounds.*

(4) If the council of any city, town or village upon the recommendation of the local board of health, affirm by a vote of two-thirds of all the members of the council at any regular meeting thereof, that it is desirable and necessary in the public interest

Drains for sanitary purposes.

interest to construct, make, enlarge or prolong a drain, sewer or sewers, for the purpose of draining a particular locality for sanitary or drainage purposes, as a local improvement, it shall not be necessary for such council to give notice of the proposed assessment for such local improvement, except the notice required by subsection 3 of section 671 of this Act, of the sitting of the Court of Revision for the purpose of hearing complaints against such proposed assessment.

(a) This shall not affect or impair the powers heretofore conferred upon any municipality by special Act.

R. S. O., 1897, c. 223, s. 668 (2)—(4).

### (3) *On the Initiative Method.*

Work to be done and rate to be assessed on property benefited, except where petitioned against.

**669.**—(1) Any work or improvement mentioned in section 664 of this Act, may be undertaken and the assessment of the cost thereof may be made upon the properties benefited thereby, unless the majority of the owners of such real property, representing at least one-half in value thereof, petition the council against the same within one month after the last publication of a notice of the intention of the council to undertake the said work, such notice to be inserted once in each week for two weeks in at least two newspapers published in the township, city, town or village, if there are two newspapers published therein; and, if not, then in a newspaper published nearest to the proposed improvement or work and any number of different works or improvements may be included in one such notice and shall stand good for any one or more that may not be petitioned against that the council may determine to proceed with. R. S. O., 1897, c. 223, s. 669 (1); 1 Edw. VII, c. 26, s. 28.

Personal service of local improvement notices in addition to publication.

(1a). In addition to being given by publication, as provided in the next preceding paragraph, the notice of the intention of the council to undertake any work as a local improvement shall be given to the owners of the properties benefited thereby, by personal service or by leaving the notice at the places of business or residence of such owners respectively, or by registered letter, or by leaving the same with a grown up person on the premises when the owner's address or residence is unknown; and a declaration of the officer or person charged with the duty of giving any such notice that the same was served or mailed as stated in the declaration, shall be accepted as conclusive evidence of such service or mailing. 1 Edw. VII, c. 26, s. 29; 2 Edw. VII, c. 29, s. 33.

Particulars to be given in notice.

(1b) It shall be sufficient if the notice of the proposed work or improvement, by a general description, describes the street, lane, alley or place or the portion thereof whereon or wherein

wherein and the points between which the same is to be made or done, and the street, lane, alley or place or portions thereof upon which the real property benefited and proposed to be specially assessed fronts or abuts; and the number of such annual special assessments. It shall not be necessary in such cases to state the value of the real property rateable for the work or improvement or to impose a rate upon such real property by any description other than that hereinbefore mentioned. 3 Edw. VII c. 18, s. 145.

(2) In the event of any sufficiently signed petition as aforesaid against the proposed work or improvement being presented to the council, no second notice for the same shall be given by the council within two years thereafter. Provided, however, that in the case of municipalities which have passed a by-law under the provisions of section 682 of this Act, a notice may be given within such two years if such notice is for a different kind of pavement, or for a less expensive pavement though of the same kind, than the one included in the notice previously given. R. S. O., 1897, c. 223, s. 669 (2); 3 Edw. VII c. 18, s. 146.

Effect of petition against work.

When new notice for improvements may be given.

(3) The number of the owners petitioning against the proposed improvement or work and the value of the real property which they represent, may be ascertained and finally determined in such manner and by such means as are provided by by-law in that behalf, and after such final determination no name shall be removed from the petition unless by the consent of the Judge of the County Court. R. S. O., 1897, c. 223, s. 3; 62 V. (2) c. 26, s. 42 (2).

Determining number and value of property of petitioners.

(4) When notice of a proposed improvement, work or service to be paid for by special assessment as a local improvement, has been given by the council of any municipality pursuant to the provisions of this Act, and no petition sufficiently signed as aforesaid has, within the time limited in that behalf by this Act, been presented to the council against such proposed improvement, work or service and assessment it shall be lawful for the council, in the same or any succeeding year, to carry on the proposed work, improvement or service to completion before making the assessment therefor.

Completion of local improvements.

(a) A notice, so given, shall stand good as the authority for undertaking any such work, improvement or service, and for making such assessment or assessments, and passing all necessary by-laws, whether the same shall have been or shall be undertaken and completed by the council giving such notice or by any succeeding council.



Owner whose name is not on assessment roll may petition.

(5) Any owner of real property to be benefited by the construction of any work or improvement, the cost of which is payable by local special assessment under sections 664 to 676 of this Act, may, notwithstanding that his name does not appear on the last revised assessment roll of the municipality, petition for or against such local improvement upon satisfying the clerk of the municipality by statutory declaration or otherwise that he is the owner of the property instead of the person assessed therefor upon such last revised assessment roll. R. S. O., 1897, c. 223, s. 669 (4), (5).

*Short Form of Local Improvement By-Laws.*

Words in column one of schedule when used to have same effect as words in column two.

**670.**—(1) Where a by-law made according to the form set forth in Schedule N annexed to this Act or any other by-law expressed to be made in pursuance of this section or referring thereto, passed by any municipal council for borrowing money by the issue of debentures secured by local special rates on the property benefited thereby, contains any of the forms of words contained in column one of Schedule O hereto annexed and distinguished by a number therein, such by-law shall be taken to have the same effect and shall be construed as if it contained the form of words contained in column two of said Schedule O, and distinguished by the same number, but it shall not be necessary in any such by-law to insert any such number.

By-laws failing to take effect hereunder.

(2) Any by-law which fails to take effect by virtue of this section, shall, nevertheless, be as effectual to bind the corporation, the council of which passed such by-law, as if this Act had not been passed.

Use of form to be optional.

(3) Nothing herein contained shall require any municipality to adopt the said form of by-law. R. S. O., 1897, c. 223, s. 670.

*Notice may be Given in Lieu of Advertising By-law.*

Notice may be served on owners, etc., in lieu of advertising.

**671.**—(1) No by-law passed by the council of any township, city, town or village under the provisions of section 664 of this Act shall require to be advertised in any newspaper, but a written or printed, or partly written and partly printed notice of the sitting of the Court of Revision for the confirmation of every such special assessment shall be given to the owners and lessees having the right to petition, or to the agents of such owners and lessees. R. S. O., 1897, c. 223, s. 671 (1).

*Contents of Notice and how Served.*

(2) Every such notice shall contain a general description of the property in respect of which the same is given, and the nature of the improvement, work or service, the estimated or actual cost thereof, the amount of the frontage of the particular piece of property, and the time and manner in which the special assessment is to be payable, and shall be signed by the clerk, assessment commissioner or other officer appointed by the council for the purpose, and shall, at least fifteen days before the day appointed for the sitting of the Court, be mailed to the address of the person entitled to receive the notice. Ten days' notice of the time and place of the meeting of the said Court shall also be given by publication in some newspaper having a general circulation, which notice shall specify generally what such assessment is for and the total amount to be assessed. R. S. O., 1897, c. 223, s. 671 (2); 3 Edw. VII., c. 18, s. 147 (1).

Contents of  
notice and  
how served.

(3) The said notice may be in the form or to the effect following:—

Form of  
notice.

Take notice that the municipal council of the corporation of the \_\_\_\_\_ of \_\_\_\_\_ intends to construct (or has constructed as the case may be) (describing the work or improvement) on (or in) \_\_\_\_\_ street between (describing the points between which the work or improvement is to be made or done) and intends to assess a portion of the final cost thereof upon the real property to be immediately benefited thereby fronting or abutting upon (give the name or names of the street, lane, alley or place or streets, lanes, alleys or places, and the points between which the real property fronts or abuts, upon which the proposed special assessment is to be made, and the annual rate per foot on the frontage upon each such street and the number of such annual assessments) and that a statement showing the lands liable to and proposed to be specially assessed for the said improvement (or work), and the names of the owners thereof, so far as the same can be ascertained from the last revised assessment roll and otherwise is now fyled in the office of the clerk of the municipality and is open for inspection during office hours. The cost (or estimated cost as the case may be) of the improvement (or work), is \$ \_\_\_\_\_ of which \$ \_\_\_\_\_ is to be provided out of the general funds of the municipality.

A Court of Revision will be held on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_ at the hour of \_\_\_\_\_ at the (insert the place of meeting) for the purpose of hearing complaints against the proposed assessment or the accuracy of frontage measurements or any other complaint which the persons interested may desire to make and which is by law cognizable by the Court.

Dated.

Clerk.

3 Edw. VII., c. 18, s. 147 (2).

(4) The council shall for the purpose of making the special assessment for the cost of any work, improvement or service procure a measurement to be made of the frontages liable to assessment for such cost and of the frontages exempt from taxation, and shall for at least ten days before the time fixed for hearing appeals from such assessment keep a statement of the same open for inspection in the office of the clerk of the municipality.

Record of  
measurement.

*Appeals*

*Appeals to Court of Revision and County Judge.*

Appeals from  
assessment.

(5) From any such assessment or proposed assessment there shall be the right of appeal to the Court of Revision and from the Court of Revision to the County Judge. The Court of Revision and the County Judge shall have power to correct any errors in the names of the owners or in the frontage measurements of the properties assessed or caused by the omission of property which should be assessed and to determine the proportion of assessment of corner lots or triangular or other irregular pieces of land, and the proportion of the cost to be borne by the municipality where the costs exceeds the estimates by 10 per cent., and also whether or not the property is or will be benefited by the work or improvement, and the proceedings thereon shall be the same (as nearly as practicable) as in the case of appeals from ordinary assessment under *The Assessment Act*. 3 Edw. VII., c. 18, s. 148.

Rev. Stat.,  
c. 224.

Powers of  
County Judge  
upon appeal.

(6). Wherever in cities and towns an appeal lies from the Court of Revision to the County Judge under sections 664 to 676 inclusive, the said County Judge in addition to his other powers under this Act and *The Assessment Act*, may inquire and determine what lands (if any) other than those included in the assessment appealed from are or will be specially benefited by the proposed work or improvement and may add such lands to the lands to be assessed, notwithstanding that such lands may not have been specified in any notice of appeal to the said Judge; and the said Judge shall cause all persons who may be affected by the addition of their lands to the lands so to be assessed, to be notified of the time and place when the said appeal and matter will be considered, and may for that purpose, from time to time, adjourn the hearing of the said appeal. R. S. O., 1897, c. 223, s. 671 (6); 3 Edw. VII., c. 18, s. 149.

*When Assessment becomes final.*

Assessment  
altered on  
appeal to be  
conclusive.

(7) The statement referred to in the two preceding subsections unless so far as the same is altered or varied by the Court of Revision or the County Judge upon appeal shall be final and conclusive as to all matters therein contained.

Second Court  
of Revision,  
when un-  
necessary.

(8) Where the proposed assessment has been regularly brought before a Court of Revision and the County Judge, (in case there has been an appeal to such County Judge), and where there is in force in the municipality a by-law passed under the provisions of section 667 of this Act, it shall not be necessary to submit to another Court of Revision the by-law



law for the actual cost of the work or improvement when such actual cost does not exceed by more than ten per cent. the estimated cost thereof as submitted to the Court of Revision R.S.O., 1897, c. 223, s. 671 (7) (8).

*Power to incur debts for the cost of local improvements.*

**672.**—(1) The council of any local municipality may make agreements with any bank, or with any person or body corporate for temporary advances and loans for meeting the cost of the work or improvement, until the completion thereof, and may in their option make the special assessments for the cost thereof, after the work or improvement has been completed, and may then pass the necessary by-law authorising the issue of debentures to repay the amount of the temporary loan or advance. R. S. O., 1897, c. 223, s. 672 (1); 3 Edw. VII. c. 18, s. 150.

Power to borrow funds for local improvements.

(2) Every by-law passed under the preceding subsection for borrowing money by the issue of debentures as aforesaid, shall provide for the repayment of the loan and the maturing of the debentures to be issued pursuant to such by-law, within the probable life of the work or improvement for which such debt has been incurred, as certified by the engineer, or other proper officer to be appointed by the council for that purpose.

Time for repayment of loans.

(3) If a debt has been incurred by a local municipality for any work done or improvement constructed under the provisions of this Act, and if after the incurring of the said debt the special assessment for such work or improvement or the by-law providing for borrowing money therefor is set aside or quashed, either wholly or in part, on the ground of any irregularity or illegality in making such assessment or passing such by-law, it shall be lawful for the council, and they are hereby authorized, to cause a new assessment or assessments to be made, and to pass a new by-law, so often as may be necessary to provide funds for the payment of the debt so incurred for such work or improvement.

Where special assessments irregular new assessments may be made.

(4) Nothing herein contained shall be construed as authorizing any assessment to be made, or any work or improvement to be undertaken unless the same has been initiated in some one of the three methods by law provided namely:

But only if improvement has been properly initiated.

(a) Either on the report of the engineer or other sanitary officer, and of a committee of the council, adopted by the council, recommending the proposed work or improvement for sanitary or drainage purposes, or

(b) On a sufficiently signed petition of the owners of the real property to be benefited, or

(c)

(c) After due notice, as above provided, of the proposed assessment and no sufficiently signed petition of the owners, as hereinbefore defined, of the real property benefited being presented to the council against the proposed assessment within the time limited therefor. R.S.O., 1897, c. 223, s. 672 (2)-(4).

Settling with  
contractors for  
local improve-  
ments as upon  
*quantum*  
*meruit*.

Proviso.

**672a.** Every municipal council shall have power to pass a by-law to agree and settle as upon a *quantum meruit* with any contractor or contractors for any work which has been done or shall be done as a local improvement, where such council shall consider the work to have been performed sufficiently for the purposes of such local improvement although not in strict compliance with the contract, and the amount so agreed upon and fixed shall be the amount or part of the amount, as the case may be, for which an assessment may be made upon the properties benefited by such local improvement; and this clause shall apply to all work done prior to the 30th day of April, 1900, as well as to work done on or after the said date. Provided that nothing herein shall be construed to enlarge or extend the rights (if any) of any contractor as against a municipal corporation, unless the council thereof shall see fit to pass a by-law hereunder and then only subject to the terms of such by-law. 63 V. c. 33, s. 46.

#### SPECIAL PROVISIONS AS TO ASSESSMENTS FOR LOCAL IMPROVEMENTS.

##### (1) *As to Sewers.*

**673.**—(1) In ascertaining and determining the cost of draining any locality or of making and laying or prolonging any common sewer, the council of any township, city, town or village, may estimate the cost of the construction of branch drains from the drain or sewer to the line of street and may, in making the assessment for such drains or sewers, include the cost of such branch drains as part of the cost of the local improvement or may assess and levy the cost thereof by a special rate upon the lands benefited thereby instead of by a frontage rate. The provisions of this section shall apply to sewers heretofore constructed as well as to those hereafter constructed. R.S.O., 1897, c. 223, s. 673 (1); 1 Edw. VII, c. 26, s. 30.

Where other  
property re-  
ceives benefit  
of sewer as  
well as that  
fronting on  
street drained

(2) Where in order to afford an outlet for the sewerage and drainage of real property other than that fronting or abutting upon the street in which a sewer is proposed to be or is constructed, such sewer is proposed to be or has been constructed of a larger capacity than that required for the efficient

efficient sewerage and drainage of the real property fronting or abutting upon the street, the council may impose a special assessment upon any other real property benefited by the construction of such sewer in the manner provided by sections 674 and 675 of this Act. R.S.O., 1897, c. 223, s. 673 (2); 1 Edw. VII, c. 26, s. 31; 2 Edw. VII. c. 29, s. 34,

*As to Pavements.*

(3) In case the council of a municipality is about to construct, renew or alter the character of a pavement on any street, highway or public place, or portion thereof, as a local improvement, the council may, before putting down such pavement, put in all necessary private drain connections from any existing drain or sewer upon such street or portion thereof to the street line on each side of the drain or sewer, and also all necessary water mains, and may assess and levy the cost thereof, and of any alterations of service pipes and stop-cocks, thereby necessitated, against the properties benefited thereby as part of the cost of the said local improvement, pursuant to the provisions of section 664 of this Act.

Private drains, water mains, service pipes, etc., may be included in cost of pavement.

*As to Corner and Irregular Lots.*

(4) The council of every township, city, town and village may, by by-law, provide an equitable mode of assessing for local improvements, works and services, corner lots, triangular or other irregular shaped pieces of land situate at the intersections or junctions of streets, having due regard to the situation, value and superficial area of such lots, as compared with adjoining lots and pieces of land assessable for such improvements, works and services, and may charge the amount of any allowance made on any such lot or piece of land, on the other real property fronting on the improvements, or may assume the same as a portion of the municipality's share of the works or improvements. Any such assessment shall be subject to appeal to the Court of Revision and from the Court of Revision to the County Judge as in this Act provided.

Assessment of corner lots, etc., for local improvements.

(5) The council of any township, city, town or village may, by a two-thirds vote of the council, pass by-laws to remit and refund so much of the special rates imposed prior to the 30th day of March, 1885, on corner lots and irregular pieces of land for the construction of pavements and sidewalks under local improvement by-laws as may be necessary to equalize the assessment made on adjoining properties for the same improvement or work, and may provide the amount of all rates so remitted or refunded by passing by-laws for borrowing money by

Refund of part of special rate for local improvements imposed on corner lots, etc.



by the issue of debentures, or by including said amounts in the rate bills for the year. No such remission or refund shall be made in any case where the work or improvement was made or constructed more than four years before the passing of the by-law authorizing the refund or remission.

*Lands on same street unequally benefited.*

Determining  
proportion of  
cost of work in  
special cases.

(6) Where the lands on either side of a street, lane, or alley in a city, town or village are, in the opinion of the council, unfit from any cause for building purposes, and the council deems it inequitable to assess the same for local improvements at so high a rate as the building lots fronting on said street, lane or alley, the council shall, in all such cases, determine in what proportion the cost of any such improvement shall be borne by the lands on each side of said street, lane or alley, respectively.

*Lands fronting on Parks, Boulevards, etc.*

Assessment  
for boulevards,  
etc.

(7) Real property adjoining and fronting on any park, square, public drive or boulevard shall be specially assessable for and in respect of the improvements, works and services made, done or provided upon or in any such drive or boulevard in like manner as real property fronting or abutting upon any public street; but where a public park, square, drive or boulevard exists or may hereafter be established, the lands adjoining it not exempt from taxation shall be assessable only in respect of such improvements, works and services to the extent to which such lands are specially benefited by such improvements, works and services; and where the lands on one side of such drive or boulevard are a public park or square, or for other reasons are exempt from taxation, at least one-half of the cost of such improvements, works and services shall be borne by the municipality generally;

(a) No petition shall avail to prevent the carrying out of any local improvement, work or service in any such park, square, drive or boulevard, and the making of special assessments therefor as aforesaid. R.S.O., 1897, c. 223, s. 673 (3)-(7).

BRIDGES, STREET EXTENSIONS, SIDEWALKS, ETC.

*Property not fronting or abutting may be assessed.*

Cost of con-  
structing.

**674.**—(1) Where in the opinion of the council of any township, city, town or village it is expedient and necessary to construct

struct or repair bridges or culverts on any street, lane or alley, or to open up or extend any street, lane or alley within the limits thereof for the more immediate convenience or benefit of any locality within such limits, and the council is of opinion that from any cause it is inequitable to charge the whole of the cost of the improvement on the lands fronting thereon, the council shall determine what lands are benefited by such works or improvements, and the proportion in which the cost thereof shall be assessed against the lands so benefited, and also the proportion, if any, of the cost of the improvement, which shall be assumed by the township, city, town or village as its share thereof:

(a) The share or proportion of the cost of such improvement assumed by the municipality may be provided for by the issue of debentures upon the credit of the municipality at large in like manner as in the case of the share of the municipality of other local improvements.

(b) All assessments made under the above provisions shall be subject to an appeal to the Court of Revision and from the Court of Revision to the County Judge in like manner as in the case of other special assessments for local improvements under the provisions of this Act. R. S. O., 1897, c. 223, s. 674 (1); 3 Edw. VII., c. 18, s. 151 *part*.

(2) In the case of the construction or repair of a bridge or culvert, or the opening up or extension of any street, lane or alley—if the council determines that any real property other than that fronting or abutting on the street, lane or alley, or the portion thereof whereon or wherein the improvement is made, or to be made, is specially benefited, and ought to be charged with a part of the cost thereof, and determines the proportion in which the cost of the improvement shall be assessed against the lands so benefited—the council shall assess and levy the proportion of the cost chargeable against the lands benefited by, but not fronting or abutting upon such street, lane, or alley by a frontage rate, in like manner as the same would be assessed and levied in the case of lands fronting or abutting upon the street, lane or alley, or the portion thereof whereon or wherein the improvement is made or to be made. R. S. O., 1897, c. 223, s. 674 (2); 3 Edw. VII., c. 18, s. 151. *part*.

(3) Or in the case of a township, the council may, by by-law, provide that the cost of the works therein specified may be assessed and levied by a special rate upon the lands benefited thereby according to the proportion of benefit received therefrom instead of by a frontage rate, as hereinbefore provided.

*Purchase of Works or Improvements already Constructed.*

When township may purchase works or improvements already constructed.

(4) In the case of a township, where the owners of real property have constructed works or improvements which might have been constructed by the municipality as local improvements, the council may, upon the petition of three-fourths of the owners of lands to be benefited by the acquisition of such works or improvements, representing at least two-thirds in value thereof, acquire the same at a price to be fixed by arbitration pursuant to this Act, and the purchase money therefor may be raised, assessed and levied, as for local improvements upon the real property benefited thereby as above provided.

- (a) The number of owners petitioning for the said assessment, and the value of the real property which they represent may be ascertained and finally determined in such manner, and by such means as are provided by by-law in that behalf subject to an appeal as in the case of other special assessments for local improvements. R. S. O. 1897, c. 223, s. 674 (3) (4).

*When Corporation may contribute part of the cost of Bridges Pavements, etc.*

Where council declares whole municipality benefited by construction of bridge, etc.

**675.** In any case where a council affirms by a two-thirds vote thereof that the constructing, erecting or making of any bridge, culvert or embankment, benefits the municipality at large, and that it would be inequitable to raise the whole cost of such improvement or work by local special assessments, the council may pass a by-law for borrowing money by the issue of debentures upon the credit of the municipality at large to provide as the corporation's share of the cost of such improvement or work an amount not exceeding one-half of the whole cost thereof; and no such by-law shall require the assent of the electors before the final passing thereof. R. S. O. 1897, c. 223, s. 675.

Laying pavements on report of engineer, and on two-thirds vote of council, on important roadways, notwithstanding petition of ratepayers.

**675a.** In case the engineer of a city, having a population of 100,000 or over and which has adopted the local improvement system with respect to macadamizing or paving of streets as provided by section 682 of this Act, reports and the council of such city by resolution or the adoption of the report passed on a two-thirds vote of all the members thereof affirms, that the existing roadway upon any street or a portion of any street is out of repair, foundering and dangerous and that



that by reason of such street being an important thoroughfare leading to and from the business centre of the city into and from adjoining municipalities, it is necessary and in the interests of the city at large and for the general public convenience and safety that such roadway or the longitudinal sections of such roadway lying between the street railway thereon and the curbing of such roadway should be macadamized or paved and that by reason of the amount of traffic upon such street a more expensive work is required on such roadway or longitudinal sections thereon than would be necessary to meet the requirements of the immediate neighborhood, and that it would be inequitable to assess the whole cost of the work upon the property fronting or abutting thereon, the corporation may macadamize such roadway or longitudinal sections thereon, or construct a pavement thereon suitable for the traffic thereon, notwithstanding that notice has been given, and that a sufficiently signed petition against such work has been presented under section 669 of this Act, but the corporation of the city shall in such case pay out of the general funds of the municipality at least twenty-five per cent. in case there are street railway track allowances to be paved and in other cases forty per cent. of the total cost of the work, after deducting the amount payable by the city for the usual and legal allowances for street intersections, exempt properties, flankages and the pavements upon the allowance, if any, for street railways, and the remainder of the cost shall be assessed and levied upon the real properties liable to assessment, fronting or abutting upon such roadway. 3 Edw. VII., c. 18, s. 152.

*Sidewalks Constructed by Private Owners.*

**676.** The council may permit the owner or owners of lands in any township, city, town, or village to build or improve the sidewalk in front of his or their lands, under the direction of the council or an officer thereof appointed for that purpose, and according to such plans and regulations as the council may prescribe, in which case the owners or occupants of such lands shall be exempt from all taxes for improvements of a like nature so long as they keep the same in repair to the satisfaction of the council. R. S. O. 1897, c. 223, s. 676.

Council may permit owners to build or improve sidewalks in front of lands.

*Cities and Towns may lay Sidewalks of certain materials without Petition or Notice.*

**677.** Notwithstanding anything contained in any by-law of the municipality, the corporation of any city, town or village may construct and lay down a sidewalk of the following material, namely,—plank, gravel or cinders, or a combination of any one or two of such materials with tar and sand or of cement, concrete or brick upon and along any street, lane, alley or other thoroughfare or park in the said city, town or village

Laying sidewalks as local improvements in cities and towns.

village as a local improvement, and the cost thereof may be assessed against the properties fronting or abutting thereon, if such sidewalk is, in the opinion of two-thirds of the members present at any regular meeting of the city, town or village council, desirable in the public interest. R. S. O. 1897, c. 223, s. 677 (1); 1 Edw. VII., c. 26, s. 33; 3 Edw. VII., c. 18, ss. 153, 154.

*Or May Pay Part of Cost of Improved Sidewalks.*

Power to advance from general funds or borrow forty per cent. of the cost of certain improvements.

Assent of electors not required.

Exemption to extent of 60 per cent.

Remainder of cost to be assessed on property benefited.

Corporation's share of certain permanent sidewalks.

**678.**—(1) It shall be lawful for the council of the corporation of any city, town or village which has not adopted the local improvement system in respect of sidewalks or streets by by-law to provide from the general funds of the municipality, or to raise by way of loan on the credit of the debentures of the municipality, forty per cent. of that part of the cost of the construction of granolithic, stone, asphalt or brick sidewalks upon leading or principal business streets or of paving any street of the city, town or village with macadam, brick, asphalt or other paving material as local improvements, on the property benefited, in addition to the part of such cost to be provided by the municipality, and to add said forty per cent. to the said part of the cost of the construction of said sidewalks or of said pavements to be provided by the municipality, and to issue debentures for the amount thus obtained, and it shall not be necessary to submit the by-laws of the said corporation authorizing the issue of the said debentures to, or to have the assent of, the electors of the municipality before the final passing thereof; but any by-law for carrying the provisions of this section into effect, both as to selecting streets and providing the necessary funds, shall require an affirmative vote of three-fourths of the members of the council. Where sidewalks or streets have been or are hereafter made or paved under this section, the property assessed for the said sixty per centum for or towards such construction shall be exempt from any general rate or assessment for the like purpose under section 680 of this Act to the extent of sixty per centum of such rate only. R.S.O. 1897, c. 223, s. 678 (1); 63 V., c. 33, s. 47 (1).

(2) The remainder of that part of the cost of constructing the said sidewalks, or of paving the said streets, falling on the property benefited, after the said forty per cent. has been deducted, shall be assessed for and dealt with in the manner provided in this Act as to assessments for local improvements in other cases. R. S. O. 1897, c. 223, s. 678 (1); 63 V. c. 33, s. 47 (2).

(2a) The council of the corporation may provide from the general funds of the municipality or raise by way of loan upon debentures of the municipality such larger or smaller proportion than 40 per cent. as they may deem expedient of the cost of construction of granolithic, stone, asphalt, cement or brick sidewalks upon any streets of the city, town or village or of paving

paving any streets in the municipality with macadam, brick, asphalt or other paving material, on an affirmative vote of three-fourths of the members of the council; and the provisions in this section contained shall apply to the proportions or percentages of the contributions to be paid by the city, town or village corporation and the owners of the property benefited respectively, such percentages being substituted for the terms forty per cent. and sixty per cent. respectively in any by-laws to be passed or debentures to be issued or proceedings taken relating to such sidewalks or pavements or to the payment therefor. 62 V. (2) c. 26, s. 43; 63 V. c. 33, s. 47 (3).

(3) Subsection 1 of section 400 of this Act shall apply to by-laws and debentures passed and issued under this section. Irregularities in form not to invalidate debentures.

*Cost of Local Improvements opposite Street Intersections or Exempt Properties.*

**679.**—(1) In case of a special assessment being made on property benefited by any local improvement, the council of the municipality (if they think fit) may, by by-law, provide for constructing, at the expense of the general funds of the municipality, such part of the local improvement as is situate upon or in that part of any street, lane, alley, public place, or square, which is intersected by any other street, lane, alley, public place, or square, or as would otherwise fall on property exempt from assessment: and the council may provide for the cost thereof in the general rates or taxes for the year, or by the issue of debentures, or in such other manner not inconsistent with the provisions of this Act, or of any special Act, as to said council may seem best, and subject to such by-laws as the council may pass in that behalf. Certain part of improvements may be charged on general rates.

(2) The by-law authorizing the issue of the debentures need not be submitted for the assent of the electors of the municipality: and the debentures issued to pay for that part of the work payable by local assessment may, if the council thinks fit, be issued as a series distinct from those required to pay for that part which is to be borne by the general funds of the municipality, or all the debentures required for the work may be issued in one series, as "Local Improvement Debentures." This subsection shall be deemed declaratory of the law on and from the 5th day of March, 1880. R.S.O., 1897, c. 223, s. 679. Provisions as to "Local Improvement Debentures."

EXEMPTION OF LOCALLY ASSESSED PROPERTIES FROM GENERAL RATES FOR LIKE PURPOSES.

**680.**—(1) Any real property specially assessed by any council for any local improvement or work under this Act, shall be exempted by the council from any general rate or assessment Property specially assessed to be exempt from general



assessment for same purpose. ment for the like purpose, except the cost of works at the intersection of streets, and except such portion of the general rate as may be imposed to meet the cost of like works opposite real property which is exempt from such special assessment; and where no by-law has been passed under section 682 of this Act such exemptions shall be upon the value of the lands only and not on the improvements thereon. R.S.O., 1897, c. 223, s. 680 (1); 63 V. c. 33, s. 48; 3 Edw. VII., c. 18, s. 155.

When exemption may be for specified period, (2) Where a local improvement or service is petitioned for and the petition is by two-thirds in number of the owners of the real property fronting or abutting upon the street or place wherein or whereon such improvement or work is proposed to be done or made, the exemption may be for a specified period named in the petition and agreed to by the council.

or a period fixed by arbitration. (3) Or if, either with or without naming any period for such exemption, the petition requests an arbitration, the council may accede to the proposal for an arbitration.

Procedure. (4) In case the matter is to be determined by arbitration, a sole arbitrator shall be chosen for the purpose by the County Court Judge, unless some person or persons is or are agreed to in that behalf by the petitioners and the council.

Council to show proportion of general rate thus occasioned. (5) Where, by reason of a special assessment, the owners are exempted from a general rate, for the like purpose, as afore-said, the council shall, from year to year, by by-law directing the general rate of assessment, or by some other by-law, state what proportion of the general rate is for purposes for which there is such special assessment in any part of the municipality, and shall state the same in such manner as may give effect to this section

Otherwise general rate not to be used for local improvements. (6) Until a by-law is passed containing such statement, none of the money raised by general rate on real property specially assessed or rated for any work or service hereafter executed shall be applied to any work or service of the same character in any part of the municipality. R.S.O., 1897, c. 223, s. 680 (2)-(6).

#### COVENANTS AGAINST INCUMBRANCES, HOW CONSTRUED.

Local improvement charge and covenant against incumbrances. **681.** Where local improvements benefiting real property have heretofore been made or are hereafter made under the provisions of the local improvement sections of this Act the costs whereof, in whole or in part, have been charged upon or against the real property, the petitioning for or procuring to be made, or the making of any such local improvements or the charging the costs thereof upon or against the real property, or the fact that they are a charge upon or against such real property, shall not be deemed to be a breach of the covenant by a vendor or person agreeing to sell that he has done no act to incumber the real property, except to the extent that the annual or other payments in respect of such charge are in arrear, and unpaid. R.S.O., 1897, c. 223, s. 681.

ADOPTION

## ADOPTION BY ELECTORS OF LOCAL IMPROVEMENT SYSTEM.

**682.**—(1) The council of any township, city, town or village may, by by-law, passed with the assent of the electors according to the provisions of this Act, direct that all future expenditure in the municipality for the improvements and services, or for any class or classes of improvement or service, for which special provisions are made in sections 664 and 686, shall be by special assessment on the property benefited, and not exempt by law from assessment.

By-laws directing future improvements to be made by local assessment.

(2) After such a by-law has been passed in manner aforesaid, it shall not be repealed without the like assent of the electors; and, in case of such repeal, the provisions of section 680 with respect to freedom from any general rate or assessment of property which is subject to a special rate, shall apply to all property which had been specially rated or assessed for such improvement or service, while the repealed by-law was in force. The time when the exemption is to cease, shall be determined by arbitration, and the arbitrator shall be appointed by the County Judge, on the application of the municipal council. R.S.O. 1897, c. 223, s. 682 (1) (2).

Repeal of by-laws.

*Extension of System in such Cases.*

(3) Notwithstanding anything contained in section 664, after such a by-law has been passed in manner aforesaid, the council may pass a by-law or by-laws dividing the municipality into certain areas, districts or sections within which the streets or parts of streets may be maintained, repaired, cleaned, cleared of snow and ice, watered, swept, lighted and the grass therein cut and trees therein trimmed, and may impose a special rate upon the assessed real property therein, according to the frontage thereof, in order to pay any expenses incurred in maintaining, repairing, cleaning, clearing of snow and ice, watering, sweeping and lighting such streets or parts of streets, and cutting grass and trimming trees therein, or for any one or more of such services. R. S. O., 1897, c. 223, s. 682 (3); 3 Edw. VII., c. 18, s. 156. *And see sec. 686.*

Repairing cleaning streets.

## CERTAIN EXEMPT PROPERTIES MAY BE ASSESSED FOR LOCAL IMPROVEMENTS.

**683.** Land on which a place of worship is erected, and land used in connection with a place of worship, shall be liable to be assessed, in the same way and to the same extent as other land, for local improvements made or to be made. R. S. O., 1897, c. 223, s. 683. *See also R.S.O. Cap. 224, Sec. 7 (3).*

Assessment of lands in connection with churches for local improvements.

**684.**—(1) The buildings and grounds of and attached to a university, college or other incorporated seminary of learning, whether vested in a trustee or otherwise, shall be liable to be assessed, in the same manner and to the same extent as other land is assessed, for local improvements made or to be made. This section shall not apply to schools which are maintained in whole or in part by a legislative grant or a

Assessment of colleges, etc.

Proviso.

Land held by certain schools, how to be assessed for local rates.

school tax. Provided that if the grounds of and attached to the school maintained in whole or in part by a Legislative grant or a school tax are not owned by the school board or the municipality but are held under a lease, agreement or other right of occupancy the unexpired term of which does not extend beyond the period of the proposed assessment the said grounds shall be liable to be and shall be assessed for local improvements and the municipal council shall assume and pay the special rates assessed against the same during the unexpired term of such lease, agreement or right of occupancy or any renewal thereof or until said lands are no longer used for school purposes, and as soon as said lands cease to be so used for school purposes and thereafter during the currency of the debenture issued to pay for said work the said special rates fixed by the by-law providing for the payment of the said work shall be payable by the owner of the said lands and be a charge upon the said lands and may be collected in the same manner as the rates imposed by the said by-law. R. S. O., 1897, c. 223, s. 684 (1); 3 Edw. VII, c. 18, s. 157.

Exemption to cease as soon as lands not used for exempt purposes.

(2) All land exempt from a local improvement rate imposed by any by-law as soon as it ceases to be used for any purpose that would render the same so exempt, or as soon as it ceases to be the property of any person entitled to exemption, or when the term of such exemption expires, as the case may be, shall thereupon become liable to be rated for the work, improvement or service at the rate fixed by the by-law providing for the payment for such work, improvement or service, and the same shall be a charge upon the said land, and may be collected in the same manner as the rates imposed by such by-law. 3 Edw. VII., c. 18, s. 158.

*Municipalities' Share of Local Improvement Debts may be Raised without Assent of Electors.*

Assent of electors not required to by-laws for raising municipality's share of cost of local improvements.

**685.**—(1) The council of any township, city, town or village may pass all by-laws necessary, from time to time, to raise loans and borrow moneys required for its share of any local improvements and works, on the credit of such township, city, town or village at large; and it shall not be necessary to obtain the assent of the electors of such township, city, town or village to the passing of any such by-law under the provisions of this Act, any special or private Act in that behalf to the contrary notwithstanding; provided always that nothing in this section contained shall be construed as authorizing an extension of the general debt of such township, city, town or village beyond the limits thereof fixed by any Act limiting the same.

*Ratepayers' share not to be counted as part of general debt of Municipality.*

(2) It is hereby declared that the debentures issued under local improvement by-laws on the security of special assessments therefor form no part of the general debt of any such municipality;



municipality, within the meaning of any such last above-mentioned Act, and it shall not be necessary to recite the amount of the local improvement debt so assured by special rates or assessments in any by-law for borrowing money on the credit of the township, city, town or village at large as aforesaid, but it shall be sufficient to state in any such by-law, that the amount of the general debt of the municipality as therein set forth is exclusive of local improvement debts, secured by special Acts, rates or assessments. R. S. O., 1897, c. 223, s. 685.

#### EXTENSIONS OF LOCAL IMPROVEMENT SYSTEM.

(And see sec. 682 (3).)

#### *Sweeping, Lighting and Watering Streets.*

**686.**—(1) The council of every township, city, town and village may pass by-laws for raising, upon the petition of at least two-thirds of the persons resident in any street, square, alley or lane, whose names appear upon the last revised assessment roll of the municipality as freeholders or tenants of the assessed real property therein representing in value one-half of the said assessed real property, such sums as may be necessary for sweeping, watering or lighting the street, square, alley, or lane, by means of a special rate on the real property therein, according to the frontage thereof, or according to the assessed value thereof when only such latter system of assessment shall have been adopted by a three-fourths vote of the full council; but the council may charge the general corporate funds with the expenditure incurred in such sweeping, watering or lighting as aforesaid.

Sweeping  
lighting and  
watering  
streets.

(2) The council may also, by by-law, designate certain streets or parts of streets, or define certain areas or special sections within the municipality, in which the streets should be watered, swept and lighted, and may impose a special rate upon the assessed real property therein, according to the frontage thereof, or according to the assessed value thereof when only such latter system of assessment shall have been adopted by a three-fourths vote of the full council, in order to pay any expenses incurred in watering, sweeping or lighting such streets.

Special rate  
may be  
imposed  
therefor.

#### *Cutting grass and weeds.—Trimming trees or shrubbery.*

(3) The council may also include in either of the foregoing by-laws, the cutting of grass and weeds, and trimming the trees or shrubbery on any such street, square, alley or lane, and otherwise cleaning the same.

Cutting grass  
etc.

#### *Removing Snow, Ice and Dirt.*

(4) The council may also by by-law define certain areas or sections within the municipality in which all snow, ice and dirt and other obstructions shall be removed from the sidewalks, streets, lanes or alleys, in such area or sections, and may

Removal of  
snow, ice, etc.

may impose a special rate upon the real property therein, according to the frontage thereof, in order to pay any expenses incurred in removing such snow, ice, dirt or other obstruction. R. S. O. 1897, c. 223, s. 686.

## DIVISION II.—TOWNSHIPS AND VILLAGES.

*Lighting, Waterworks and Fire Protection. Sec. 687 (1-3).*

*Fire Trustees and election of. Sec. 687 (4-6).*

Lighting,  
water works,  
and fire pro-  
tection.

**687.**—(1) The council of any township or village may, under and subject to the provisions of sections 664 to 685 of this Act, pass by-laws providing for lighting the municipality, or for the construction of waterworks, or for the purchase of fire engines and other appliances for the purposes of fire protection or for the purchase and laying of mains and other appliances to connect with any existing system of waterworks.

Cost of, may  
be assessed as  
local improve-  
ments.

(2) The council may, by by-law, define by metes and bounds, or otherwise, what real property will be immediately benefited by the proposed improvement, and is to be charged with the cost thereof, and may also, by by-law, make provision for assessing and levying on the property so defined the cost of managing and maintaining the said works, fire engines and appliances.

Section 666  
not to apply.

(3) Section 666 of this Act shall not apply to any works constructed under the powers by this section conferred.

Fire trustees.

(4) The council of a township may also, by by-law, direct in any case where a fire engine and appliances for the purpose of fire protection have been or are about to be purchased, that at the then next ensuing, and at each subsequent municipal election for the municipality, three trustees, with the powers and for the purposes hereinafter mentioned, shall be elected for the same periods of time and in the same manner as municipal councillors are elected.

Care and con-  
trol of fire  
engine, etc.

(5) The said trustees shall have the care, control and management of said fire engine and appliances.

Qualification  
of voters for  
election of  
trustees.

(6) No person shall have a vote at said election of said trustees unless he is the owner of real property defined by a by-law of the said municipality as real estate to be benefited by and charged with the cost of the purchase of such fire engine and appliances, and has the same qualifications as are required by this Act to enable owners of real estate to vote at municipal elections. R. S. O. 1897, c. 223, s. 687.

Agreements  
between ad-  
joining town-  
ships for pur-  
chase of fire  
engines, etc.  
and road-

(7) The councils of two or more adjoining municipalities whether in the same county or not, may enter into an agreement for the purchase of and may purchase jointly a fire engine and other appliances, for the purpose of fire protection or road-making machinery and appliances. The councils of such

such municipalities may in and by such agreement, determine making the proportion of the purchase money and yearly cost of appliances. managing and maintaining such fire engine and appliances or other machinery and appliances to be borne by each municipality and the place or places where the same shall be kept and all other matters and things necessary and proper in the maintenance and use of the engine and other machinery and appliances, and each council shall, as to the assessing and levying of its proportion, proceed as hereinbefore in this section provided.

(8) Where the councils of two or more municipalities purchase a fire engine and appliances or road-making machinery and appliances, jointly, the reeves of such municipalities shall be the trustees, having the care and control of such engine, machinery and appliances. 61 V. c. 23, s. 20. Reeves of municipalities jointly interested to be trustees.

### DIVISION III.—TOWNSHIPS.

*Maintenance of abandoned toll roads. Sec. 688.*

*Improvement of roads, bridging, etc. Sec. 689.*

*Exemption of property so specially assessed. Sec. 690.*

*Maintenance and repairs of abandoned Toll Roads.*

**688.**—(1) The council of any township, on the petition of two-thirds in number of the owners, whose names appear upon the last revised assessment roll of the municipality as representing one-half in value of the property proposed to be assessed and subject to the provisions of sections 664 to 685 inclusive of this Act, may pass by-laws providing for the maintenance and repair of any highway or portion thereof within the jurisdiction of the council, which has theretofore been a toll road, and has been abandoned as such, and may define by by-law what real property will be immediately benefited by the work, and is to be charged with the cost thereof, and may also declare what proportion of the cost is to be borne by the real property within the limits defined by the by-law, and what proportion shall be borne by the general funds of the township; and may also by by-law make provision for assessing and levying upon the property so defined the cost of such maintenance and repairs not provided by the township. Maintaining and repairing highways in townships.

(2) Sections 666 and 680 of this Act shall not apply to work done under the provisions of this section. R. S. O. 1897, c. 223, s. 688.

*Improvement*



*Improvement of Roads.*

Power to construct roads, etc., in townships as local improvements.

**689.**—(1) In case all the owners of the property or lots abutting according to the original survey by the Crown, on any road, street or public way in any part of any township, petition the council of the township to macadamize, gravel, drain or otherwise improve (by approved material) and to drain the road, street or public way (describing it), or to build a bridge in connection therewith, the council may procure and engage an Ontario land surveyor to make an examination of the road, street or public way so proposed to be improved and may procure plans, estimates of and a report upon the said work to be made by such engineer or surveyor, shewing the real property, municipalities and corporations to be benefited by such work, or the owners or occupants of real property who may or can use the same, and stating as nearly as may be, in the opinion of such engineer or surveyor, the proportion of benefit to be derived therefrom by every such lot or portion of a lot, railway or street railway, or municipal or other corporation; and the council, if of opinion that the proposed work or a portion thereof would be desirable, may pass by-laws,

(a) For providing for the proposed work or a portion thereof being done;

(b) For borrowing, on the credit of the municipality, the funds necessary for the work, although the same extends beyond the limits of the municipality (subject in that case to be reimbursed as hereinafter mentioned), and for issuing the debentures of the municipality to the requisite amount, including the costs of reference, if any, in sums of not less than \$100 each, and payable within twenty years or less from date, with interest at the rate of not less than four per cent. per annum.

Certain other provisions to apply.  
Rev. Stat.  
c. 226.

(2) The provisions of *The Municipal Drainage Act* not inconsistent with this section, shall, *mutatis mutandis*, be applicable, as far as possible, to the making and improvement of the said road, street or public way, and the drainage and other works connected therewith, as if the said Act related to roads and the improvement thereof (so as to make the said clauses efficient for the construction of roads in substantially the same way as drains are constructed). R. S. O. 1897, c. 223, s. 689.

*Exemption of Property so Specially Assessed.*

Exemption of property specially assessed.

**690.** Any real property specially assessed by any township council for any local improvement or work under the last preceding section of this Act, may be exempted by the council in whole or in part, from any general rate or assessment for the like purpose. R. S. O. 1897, c. 223, s. 690.

## DIVISION IV.—COUNTIES.

*Local improvement by-laws for making, repairing or improving a road, bridge, etc. Sec. 691 (1).*

*But not a road or bridge in a town or village. Sec. 691 (2).*

*Conditions under which by-laws may be passed. Sec. 692.*

*Roads or bridges assumed or acquired. Sec. 693.*

**691.**—(1) The council of every county may pass by-laws for levying, by assessment on all rateable property within any particular part of one or parts of two townships to be described by metes and bounds in the by-law, in addition to all other rates, a sum sufficient to defray the expenses of making, repairing or improving any road, bridge, or other public work, lying within one township or between parts of such two townships, and by which the inhabitants of such parts will be more especially benefited.

Special rates for local improvements in townships.

(2) This section shall not apply to any road, bridge or other public work within the limits of any town or village.

**692.** No by-law under the last preceding section shall be passed, except—

Proceedings to obtain by-law.

1. Upon a petition signed by at least two-thirds of the electors who are rated upon the last revised assessment roll of the municipality for at least one-half of the value of the property within those parts of the township which are to be affected by the by-law; nor

Petition.

2. Unless a printed notice of the petition, with the names of the signers thereto, describing the limits within which the by-law is to have force, has been given for at least one month, by putting up the same in four different places within such parts of the township, and at the places for holding the sittings of the council of each township, whether it be within such parts or not, and also by inserting the same weekly for at least three consecutive weeks in some newspaper (if any there be), published in the county town, or if there is no such newspaper, then in the two newspapers published nearest the proposed work. R. S. O., 1897, c. 223, s. 692.

Notice to be posted up, and published for three weeks.

*Roads or Bridges Assumed or Acquired.*

**693.**—(1) A county council may, by by-law, assume or acquire any road, bridge or other public work, lying within or adjacent to one or more townships, towns or villages, and may, by by-law, raise by way of loan, a sum of money for the improvement of such road, bridge or public work, to be repaid by a special assessment on all the rateable property within the municipalities immediately benefited by such road, bridge or public work.

Power to pass by-laws acquiring roads, etc., lying within one or more townships, etc., and to levy special rate for improvement thereof.

(2)

Particulars which are to be stated in the by-law.

(2) The by-law shall state the amount to be raised for the work, and shall define the municipalities forming the portion of the county municipality which will be affected by the by-law, and the portion of the work to be performed in each municipality, and shall provide for the raising of the said amount by the issue of debentures of the county, payable in twenty years, or by equal annual instalments of principal, with interest, and shall provide for assessing and levying upon all the rateable property lying within the section defined by such by-law, an annual special rate sufficient for the payment of the principal and interest of the debentures.

By-law to be submitted to electors in portion of county interested.

(3) The by-law shall, if approved by a majority of the representatives in the county council of the municipalities which are defined in the said by-law, be submitted to the vote of the qualified ratepayers, who are entitled to vote on money by-laws, in the portion of said county to be affected by said by-law.

By-law only to apply to those municipalities in which it has a majority of votes.

(4) In case there should be a majority of votes cast against the by-law in any one or more of the municipalities mentioned therein, although the by-law be carried, then the by-law shall only apply to those municipalities in which it has received a majority of the votes cast, and shall not in any way affect the other municipalities mentioned: and the amount of money mentioned in the by-law to be raised by way of loan, shall be reduced by the proportionate amount which the said municipality or municipalities, giving a majority of votes against the by-law, would have been required to pay under the by-law.

By-law, if carried in some municipalities only may be passed or dropped.

(5) In case there should be a majority of votes cast against the by-law in any one or more municipalities mentioned therein, although the by-law be carried, then upon the approval of the majority of the representatives in the county council of the municipalities which have given a majority of votes in favour of the by-law, the same may be read a third time and passed by the county council, or dropped altogether; but in case the by-law is finally passed, only the representatives in the county council of those municipalities giving a majority in favour of the by-law, and to be affected by the same, shall have any voice in reference to the expenditure of the money to be raised thereby.

General provisions to apply to voting, etc.

(6) In all other respects the voting on the by-laws, and the passing and subsequent proceedings thereon, shall be in accordance with the provisions of this Act.

Powers of cities and separated towns.

(7) Cities and separated towns may, with the approval of the ratepayers qualified to vote on money by-laws, pass similar by-laws to assist in the purchase of any toll roads, in which the cities or separated towns may be interested, or may pass by-laws abolishing the market fees charged by them, on condition that certain toll roads therein named are made free. R. S. O., 1897, c. 223, s. 693.



# TITLE IV.—POWERS OF MUNICIPAL COUNCILS AS TO RAILWAY AND STREET RAILWAY COMPANIES.

*Aiding railway companies by taking stock, etc. Sec. 694.*

*When head of council to be a director ex-officio. Sec. 695.*

*Aid to railways by portions of townships. Sec. 696.*

*Townships may permit railways to be constructed on highways, etc. Secs. 696, 697.*

*Grouping clauses repealed. Sec. 698.*

*Aid to street railway companies by portion of municipality. Sec. 699.*

## AID TO RAILWAY COMPANIES.

**694.** The council of every county, township, city, town and village may pass by-laws— By-laws may be made for—

1. For subscribing for any number of shares in the capital stock of, or for lending to, or guaranteeing the payment of any sum of money borrowed by an incorporated railway company to which section 18 of the Statute 14 and 15 Victoria, chapter 51, or sections 75 to 78 inclusive of chapter 66 of the Consolidated Statutes of Canada, or the equivalent sections of *The Railway Act of Ontario*, have been or may be made applicable by any special Act; or to which the equivalent sections of *The Railway Act of Canada* do now or may hereafter apply; Taking stock in certain railways or guaranteeing debentures.

2. For indorsing or guaranteeing the payment of any debenture to be issued by the company for the money by them borrowed; Rev. Stat. c. 207, s. 39.

3. For assessing and levying from time to time upon the whole rateable property of the municipality, a sufficient sum to discharge the debt or engagement as in the two preceding subsections mentioned; R. S. C., c. 109.

4. For issuing, for the like purpose, debentures payable at such times, and for such sums respectively, not less than \$20, and bearing or not bearing interest, as the municipal council thinks meet; For guaranteeing the payment of debentures, etc.

5. For granting bonuses to any railway company in aid of such railway, and for issuing debentures in the same manner as in the preceding clause 4 provided, for raising money to meet such bonuses; Special rate.

6. For directing the manner and form of signing or indorsing any debenture so issued, indorsed or guaranteed, and of countersigning the same, and by what officer or person the same shall be so signed, indorsed or countersigned respectively; For issuing debentures, etc.

7. For directing the manner and form of signing or indorsing any debenture so issued, indorsed or guaranteed, and of countersigning the same, and by what officer or person the same shall be so signed, indorsed or countersigned respectively; Bonuses.

8. For directing the manner and form of signing or indorsing any debenture so issued, indorsed or guaranteed, and of countersigning the same, and by what officer or person the same shall be so signed, indorsed or countersigned respectively; Form of debenture.

But no municipal corporation shall subscribe for stock, or incur a debt or liability for the purposes aforesaid, unless the assent of electors necessary.

by-law,

by-law, before the final passing thereof, receives the assent of the electors of the municipality in the manner provided by this Act. R. S. O. 1897, c. 223, s. 694. *See also sec. 366 and R. S. O. Cap. 207, Sec. 39 (3).*

In certain cases head of council to be *ex-officio* a director.

**695.** In case any municipal council subscribes for and holds stock in a railway company under the next preceding section to the amount of \$20,000 and upwards, the head of the council shall be *ex-officio* one of the directors of the company, in addition to the number of directors authorized by the special Act, and shall have the same rights, powers, and duties as the other directors of the company. R. S. O. 1897, c. 223, s. 695. *See also R. S. O. Cap. 207, Sec. 39 (4).*

Aid to railways by portions of townships.

**696.**—(1) In addition to the powers conferred by section 694, a portion of a township municipality which may be interested in securing the construction of a railway, or through or near which any such railway may pass or be situated, may aid the said railway by granting money or debentures by way of bonus or gift, or by way of loan to such railway under and subject to the provisions hereinafter contained ;

Proviso.

Provided always that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of the by-law by the qualified ratepayers of the said portion of the municipality in the manner provided in respect to granting aid by way of bonuses to railways. *See sec. 366.*

Petition for submission of by-law.

(2) Before a by-law is submitted under this section to the vote of the ratepayers a petition shall be presented to the council expressing the desire to aid the railway, and stating in what way and for what amount, and defining the portion of the township to be charged by metes and bounds, or lots and concessions, and shall be signed by fifty or a majority of the freeholders resident in such portion of the township, being duly qualified voters under this Act. R. S. O. 1897, c. 223, s. 696, (1) (2).

By-law, what to contain.

(3) The by-law shall in each instance provide :

(a) For raising the amount petitioned for in the portion of the municipality mentioned in the petition by the issue of debentures of the municipality, and shall also provide for the delivery of the debentures or the application of the amount to be raised thereby as may be expressed in the said by-law ;

(b) For assessing and levying upon all rateable property lying within the portion of the municipality defined in said by-law, an annual special rate sufficient for the repayment of the said debentures within twenty years with interest thereon payable yearly, or half yearly, which debentures the councils, reeves and other officers of the municipality are hereby

hereby authorized to execute and issue in such cases. R. S. O. 1897, c. 223, s. 696, (3); 1 Edw. VII. c. 26, s. 34.

**697.** The council of every township may pass by-laws for authorizing any railway company, in case such authority is necessary, to make a branch railway on property of the corporation, or on highways, under such conditions as the council see fit, and subject to the restrictions contained in *The Railway Act of Ontario*, and in any other Acts affecting such railway; and may also pass by-laws to authorize companies or individuals to construct tramways and other railways along any highway on such terms and conditions as the council see fit. R. S. O. 1897, c. 223, s. 697.

By-laws authorizing branch railways, tram and other railways along highways. Rev. Stat. c. 207.

**698.** So much of any enactment in any private or other Act passed on or before the 5th day of March, 1880, as authorizes or provides for the grouping or joining together of municipalities or a municipality, or part of any municipalities or municipality with part of another municipality or parts of other municipalities, for the purpose of granting municipal aid to any railway or railway company is hereby repealed and declared to be inoperative. R. S. O. 1897, c. 223, s. 698.

Grouping clauses in railway Acts passed on or before 5th March, 1880, repealed.

#### AID TO STREET RAILWAY COMPANIES.

**699.**—(1) One-fourth in number of the persons shown by the last revised assessment roll to be the owners of the real property comprised in a township, city, town or village, or any portion of any such municipality to be defined in the petition hereinafter referred to, and who according to such assessment roll represent at least one third of the value of such property, may petition the council to aid any street railway company by granting money or debentures by way of bonus or gift or by way of loan to such company to assist in the construction of the railway to, through, or partly through or near to such municipality or portion thereof, and may in such petition define the manner and amount of aid desired. 62 V. (2), c. 26, s. 44, (1)

Aid to street railways from a municipality or part of a municipality.

(2) Upon receipt of such petition the council (after the assent of a majority of the ratepayers within such municipality, or portion thereof who are entitled to vote thereon, has been obtained in the manner provided by this Act), may pass the by-law for the granting of such aid in accordance with the petition and for raising the amount petitioned for in the municipality or portion thereof mentioned in the petition, by the issue of debentures of the municipality, and for the delivery of the debentures or the application of the amount to be raised thereby, as may be expressed in the by-law, and for assessing and levying upon all the rateable real property lying within the municipality or portion thereof defined in the by-law an annual

By-law to be passed by council for levying rates.



annual special rate for the repayment of the said debentures within twenty years, with the interest thereon payable yearly or half-yearly : which debentures the council, reeves and other officers of the municipality are hereby authorized to execute and issue.

(a) In every such case any agreement which has been entered into between the municipal corporation and the street railway company defining the terms and conditions upon which the construction of such railway is to be authorized, shall be published in full with such by-law, and all provisions of law respecting the publication of any such by-law in any newspaper or otherwise shall also apply to such agreement. R. S. O. 1897, c. 223, s. 699, (2) ; 62 V. (2) c. 26, s. 44 (2).

Repayment of  
debentures  
and interest.

(3) The principal and interest of the debentures may be made repayable by annual instalments, as provided for by section 386 of this Act, or a sinking fund may be provided for by the by-law.

Arbitration  
as to rate  
for transfer  
tickets where  
two companies  
operating  
lines in same  
municipality.

(4) In any and every case in which street railway lines are built by different duly incorporated street railway companies in the same or adjoining municipalities along different routes to the same terminal point, then in case an agreement cannot be arrived at between two such companies providing for the exchange and transfer of tickets for a continuous trip over both such lines or portion thereof, the matters in difference in respect thereof shall be referred to arbitration under the provisions of this Act. R. S. O. 1897, c. 223, s. 699, (3) (4).

## TITLE V.—POWERS OF MUNICIPAL COUNCILS AS TO AIDING IRON WORKS.

**700.**—The council of every municipality may pass by-laws

Granting aid  
by way of  
bonus to town  
smelting  
works.

For granting aid by way of bonus for the promotion of iron or other smelting works within or adjacent to the limits of the municipality, or within or adjacent to the limits of any municipality contributing aid thereto, by granting such sum or sums of money to such person or body corporate, in respect of the said industry as the council may determine upon ; and to pay the said sum, either in one sum or in annual or other periodical payments, with or without interest, and subject to such terms, conditions and restrictions as the said council may deem expedient ;

Assent of  
electors  
necessary.

(a) No such by-law shall be passed until the assent of the electors has been obtained, in conformity with the provisions of this Act in respect of by-laws for creating debts, and the assent of one-third of all the ratepayers

ratepayers entitled to vote shall be necessary as well as the assent of a majority of the ratepayers voting on such by-law.

- (b) No property-owner or lessee interested in, or holding shares or stock in any company shall be qualified to vote on a by-law for the purpose of granting a bonus to the company in which he is so interested as aforesaid. Persons interested in company not to vote on by-law aiding same.
- (c) Any municipality granting such aid, may take and receive security for the compliance with the terms and conditions upon which such aid is given. Security may be taken.
- (d) The debentures to be issued for any such bonus may be issued at such time or times as may be provided in any by-law granting the bonus, and the issue thereof may be postponed until the conditions contained in the by-law have been fulfilled, or until such other time or times as may be provided for in the by-law. Debentures issued in aid of iron smelting works.
- (e) Any municipality granting aid by way of bonus for smelting works, may, for the promotion of such smelting works, acquire lands within or adjacent to its limits, and may convey such lands to any person or corporation, subject to such conditions as the municipality may deem expedient, and subject to the assent of the electors as provided by this section. R.S.O. 1897, c. 223, s. 700; 62 V. (1), c. 2, Sched. (15); 3 Edw. VII. c. 18, s. 160. Acquiring lands for smelting works.

**700a.** The council of any city may pass by-laws for granting aid by way of bonus to promote the establishment of rolling mills and iron works in the same manner and to the same extent and subject to like terms and conditions as in the case of by-laws for granting aid in the promotion of iron smelting works, and all the provisions of the last preceding section shall apply to by-laws for granting aid to promote the erection or establishment of rolling mills and iron works. 61 V. c. 23, s. 23. Bonuses to rolling mills and iron works.

**700b.** The word "bonus" where it occurs in sections 700 and 700a. shall have the meaning assigned to it by and shall include the matters set forth in section 591a. of this Act with respect to bonuses in aid of manufactures. 3 Edw. VII. c. 18, s. 162. Meaning of "bonus."

**700c.** The council of any municipality shall have the power of exempting any iron, steel or other smelting works from taxation, except as to school taxes, for a period not longer than 20 years, subject to the assent of one-third of the ratepayers entitled to vote, as provided by clause a of section 700 of this Act as well as the assent of a majority of the ratepayers voting on such by-law. 63 V. c. 33 s. 49. By-laws exempting smelting works from taxation.

## TITLE VI.—POWERS OF MUNICIPAL COUNCILS AS TO AIDING THE ESTABLISHMENT OF GRAIN ELEVATORS.

By-laws for granting aid in promotion of grain elevators.

**701.**—(1) The council of any municipality may pass by-laws for granting aid by way of bonus to promote the establishment of grain elevators, in the same manner and to the same extent and subject to the like terms and conditions as in the case of by-laws for granting aid for the promotion of iron smelting works, and all the provisions of the last preceding section shall apply to by-laws for granting aid to promote the establishment of grain elevators. R.S.O. 1897, c. 223, s. 701.

“ Bonus,” meaning of.

(2) The word “ bonus ” in this section shall have the meaning assigned to it by and shall include the matters set forth in section 591a. with respect to bonuses in aid of manufactures. 3 Edw. VII. c. 18, s. 163.

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## TITLE VII.—AS TO THE ENFORCEMENT OF BY-LAWS.

### DIVISION I.—BY-LAWS FOR IMPOSING PENALTIES.

### DIVISION II.—SUMMARY REMEDY IF BY-LAWS NOT OBEYED.

*By-laws for imposing fines and penalties. Sec. 702.*

By-laws for

**702.** By-laws may be passed by the councils of counties townships, cities, towns and villages:—

Fines and penalties

1. For inflicting reasonable fines and penalties not exceeding \$50 exclusive of costs.—

For neglect of duty, or refusal to accept office.

(a) Upon any person for the non-performance of his duties who has been elected or appointed to any office in the corporation, and who neglects or refuses to accept such office, unless good cause is shewn therefor, or to take the declaration of office, and afterwards neglects the duties thereof; and

Or for breach of by-laws.

(b) For breach of any of the by-laws of the corporation.

Collecting penalties and costs.

2. For collecting such penalties and costs by distress and sale of the goods and chattels of the offender;

3. For inflicting reasonable punishment for breach of any of the by-laws of the council, in case of non-payment of the fine inflicted therefor and there being no distress found out of which such fine can be levied, by imprisonment either in the common gaol, house of correction or a lock-up house of the county or municipality, with or without hard labour, for any period not exceeding six months in the case of a by-law of a city or of a by-law of any municipality for the suppression of houses of ill-fame, and not exceeding in other cases twenty-one



one days, unless in any of the said cases the fine inflicted and costs (if any), including the costs of the distress and of the committal and conveyance of the offender to the gaol, house of correction or lock-up house are sooner paid. R.S.O. 1897, c. 223, s. 702.

#### DIVISION II.—SUMMARY REMEDY IF BY-LAWS NOT OBEYED.

**703.** Wherever any municipal council has any authority to direct, by by-law or otherwise, that any matter or thing should be done by any person or corporation, such council may also by the same or another by-law, direct that in default of its being done by the person or corporation such matter or thing shall be done at the expense of the person or corporation in default, and may recover the expense thereof with costs by action or distress; and, in case of non-payment thereof, the same shall be recovered in like manner as municipal taxes. R.S.O. 1897, c. 223, s. 703; 3 Edw. VII. c. 18, s. 164.

Mode of compelling performance of matters directed to be done by council, etc.

### PART VIII.

#### RECOVERY OF FINES AND PENALTIES.

##### DIVISION I.—PENALTIES.

*Recovery and enforcement thereof.* Secs. 704, 706

*On offences against By-laws.* Secs. 705, 706.

*Form of Conviction under By-laws.* Sec. 707.

*Application of Penalties.* Sec. 708.

*By-laws and Convictions not to be void for certain defects*  
Secs. 709, 710.

**704.** Every fine and penalty imposed by this Act may unless where other provision is specially made therefor, be recovered and enforced with costs, by summary conviction, before any Justice of the Peace for the county or of the municipality in which the offence was committed; and in default of payment the offender may be committed to the common gaol, house of correction, or lock-up house of the county or municipality, there to be imprisoned for any time, in the discretion of the convicting Justice, not exceeding (unless where other provision is specially made) thirty days, and with or without hard labour, unless such fine and penalty, and costs, including the costs of the committal and conveyance of the offender to the common gaol, house of correction or lock-up house, are sooner paid. R.S.O. 1897, c. 223,

Recovery and enforcement of penalties.

Imprisonment in default of payment.

Penalties  
imposed by  
by-laws.

**705.** All prosecutions for any offence against a municipal by-law, or a by-law of a Board of Commissioners of Police may be had by summary proceedings before a Justice of the Peace for the county or of the municipality in which the offence was committed, or where the offender resides, and the Justice before whom the prosecution is had may convict the offender on the oath or affirmation of any credible witness, and shall award the whole or such part of the penalty or punishment imposed by the by-law as he thinks fit, with the costs of prosecution, and may by warrant, under the hand and seal of the Justice (or in case two or more Justices act together therein, then under the hand and seal of one of them), cause any such pecuniary penalty and costs, or costs only, if not forthwith paid, to be levied by distress and sale of the goods and chattels of the offender. R.S.O. 1897, c. 223, s. 705.

Commitment  
in default of  
distress.

**706.** In case of there being no distress found out of which the penalty can be levied, the Justice may commit the offender to the common gaol, house of correction, or nearest lock-up house, for the term specified in the by-law or some part thereof. R.S.O. 1897, c. 223, s. 706.

Form of con-  
viction under  
by-laws.

**707.** It shall not be necessary in any conviction made under any by-law of any municipal corporation, to set out the information, appearance or non-appearance of the defendant, or the evidence or by-law under which the conviction is made; but all such convictions may be in the form following :

PROVINCE OF ONTARIO, } BE IT REMEMBERED  
County of                   , } that on the                    day of  
To Wit.                   , } A.D.                   , at                   , in the County of  
                                 , A. B. is convicted before the undersigned, one of His  
Majesty's Justices of the Peace in and for the said County, for that the  
said A. B. (*stating the offence, and time and place, and when and where com-  
mitted*), contrary to a certain by-law of the Municipality of the  
of                   , in the said County of                   , passed on the  
day of                   , A.D.                   , and intituled (*reciting the title of  
by-law*); and I adjudge the said A. B., for his said offence, to forfeit and  
pay the sum of                   , to be paid and applied according to law, and  
also to pay to C. D., the complainant, the sum of                    for his costs  
in this behalf. And if the said several sums are not paid forthwith (*or on  
or before the                    day of                    as the case may be*), I order that  
the same be levied by distress and sale of the goods and chattels of the  
said A. B.; and in default of sufficient distress, I adjudge the said A. B.  
to be imprisoned in the common gaol of the said County of  
(*or, in the public lock-up at*) for the space of  
days unless the said several sums, and the costs of the said distress and of  
the committal and conveyance of the said A. B. to such gaol (*or lock-up*),  
are sooner paid.

Given under my hand and seal, the day and year first above written  
at                   , in the said County.

(L.S.)

J. M.,  
J. P.

R.S.O. 1897, c. 223, s. 707.

708.

**708.** Unless otherwise provided, where the pecuniary penalty has been levied under this Act, one moiety thereof shall go to the informer or prosecutor, and the other moiety to the municipal corporation. But when the prosecution is brought by a member of the police force or an employee of the municipal corporation or of the local board of health the pecuniary penalty shall be paid to the municipal corporation. R.S.O. 1897, c. 223, s. 708; 1 Edw. VII. c. 26, s. 35.

Application of penalties.

**709.** All by-laws authorized under the provisions of this Act, which have been, or which may hereafter be enacted and which have imposed or may impose fines and penalties and the recovery thereof with costs by summary conviction, and which authorize, in default of payment, the commitment of the offender to the common gaol, house of correction or lock-up house of the county or municipality unless such fine and costs, including the costs of the committal and conveyance to the common gaol, house of correction or lock-up house, are sooner paid, are hereby declared to be good and valid, notwithstanding that such by-law, amongst other things, authorizes the imprisonment of the accused during the period for which by law he might be imprisoned unless such costs of committal and conveyance to the common gaol, house of correction or lock-up house, are sooner paid; and no conviction shall by reason only that it includes the cost of such conveyance and committal, be impeached, quashed or set aside. R.S.O. 1897, c. 223, s. 709.

Convictions not to be void for certain informalties.

**710.**—(1) On an appeal from a motion to quash a conviction made under a municipal by-law or under any by-law of a Board of Commissioners of Police passed in pursuance of any Act of this Legislature, the conviction shall not be deemed invalid or be quashed for want of proper proof of such by-law before the convicting Justice; but upon any proceeding to quash such conviction the Court to which the application is made may, in its discretion, dispense with proof of the by-law or may allow the same to be proved before it by affidavit or by the production of a copy duly certified in manner provided by section 334 of this Act in the case of a by-law passed by a municipal council, or in the manner provided for by section 485 of this Act in the case of a by-law of a Board of Commissioners of Police.

Convictions not invalidated for want of proof of by-law.

(2) Nothing in this section shall be construed as relieving a prosecutor from the duty of proving the by-law before the magistrate, or as entitling the magistrate to dispense with such proof. R. S. O. 1897, c. 223, s. 710.

By-laws to be proved.

#### DIVISION II.—WITNESSES.

*Who may be witnesses. Sec. 711.*

*Compelling attendance of witnesses. Sec. 712.*

**711.** Upon the hearing of any information or complaint exhibited or made under this Act, and upon any prosecution

Who may be witnesses.

31 s.

for



for an offence against any by-law passed by a municipal council or by a Board of Commissioners of Police under the authority of this Act, the person exhibiting or making the information or complaint shall be a competent witness, notwithstanding such person may be entitled to part of the pecuniary penalty on the conviction of the offender, and the defendant, and the wife or husband of such persons opposing or defending shall also be competent witnesses; and all the said persons shall be compellable to give evidence on the hearing. R. S. O. 1897, c. 223, s. 711.

Compelling  
witnesses to  
attend, etc.

Rev. Stat.  
c. 90.

**712.** In prosecuting under any by-law, or for the breach of any by-law, witnesses may be compelled to attend and give evidence in the same manner, and by the same process, as witnesses are compelled to attend and give evidence on summary proceedings before Justices of the Peace in cases tried summarily, under *The Ontario Summary Convictions Act*. R. S. O. 1897, c. 223, s. 712.

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## PART IX.

### POLICE VILLAGES.

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#### DIV. I.—FORMATION OF.

#### DIV. II.—TRUSTEES, AND ELECTION OF.

#### DIV. III.—DUTIES OF POLICE TRUSTEES.

#### DIV. IV.—INCORPORATION OF BOARD OF POLICE TRUSTEES.

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#### DIVISION I.—FORMATION OF.

*Existing Villages continued. Sec. 713.*

*New Police Villages.—how formed. Sec. 714.*

Existing  
police villages  
continued.

**713.** Until otherwise provided by competent authority, every existing police village shall continue to be a police village, with the boundaries now established.

Police  
village. —  
formation of.

**714.**—(1) The council of any county or the councils of any counties in which an unincorporated village is situated shall  
set

set apart such unincorporated village as a police village upon a petition being presented describing the area to be included in such village and signed by a majority of the ratepayers resident therein.

(2) Where such incorporated village lies wholly in one county the council shall in and by such by-law fix a time and place for, and shall name a returning officer for conducting the first election of police trustees as hereinafter mentioned, and the date of the first meeting of the police trustees after such election.

By-law fixing date—returning officers.

(3) Where the territory described in the petition lies within two or more counties the by-law shall be passed by the councils of each of the counties, but the council of the county in which the largest number of the ratepayers resident in such territory reside shall so name the returning officer and fix the time and place for holding the first election for police trustees, and the date of the first meeting of the police trustees after such election. 63 V. c. 33, s. 30.

Council of county containing largest number of resident ratepayers to appoint R. O.

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**714a.** On the petition of two-thirds of the ratepayers of a police village, and of the majority of the ratepayers in the territory proposed to be added, the council or councils of the county or counties in which the police village is situate, may by by-law enlarge the limits of the police village by adding adjoining lands thereto, and thereafter such adjoining lands so added shall form part of the police village. 2 Edw. VII. c. 29, s. 36.

Adding territory to police village.

## DIVISION II.—TRUSTEES, AND ELECTION THEREOF.

*Existing Trustees continued.* Sec. 715.

*Trustees three in number.* Sec. 716.

*Qualification required for.* Secs. 717, 718.

*Electors, who are.* Sec. 719.

*Election, where to be held.* Secs. 720-722.

*Returning officer, how appointed.* Sec. 720, 721.

*Election not to be held in a tavern.* Sec. 722.

*Nomination, how conducted.* Secs. 723-725.

*Polling, how conducted.* Secs. 726-730.

*Powers of returning officer.* Sec. 731.

*Term of office.* Sec. 732.

*Return of voters' lists, etc.* Sec. 733.

*Vacancies, how filled.* Sec. 734.

*Inspecting trustee, how appointed.* Sec. 735.

**715.** The trustees of every police village existing when this Act takes effect, shall be deemed the trustees respectively of every such village as continued under this Act. R. S. O. 1897, c. 223, s. 715.

Present trustees continued

Number of trustees.

**716.** The trustees of every police village shall be three in number. R. S. O. 1897, c. 223, s. 716.

Qualification of trustees.

**717.** The persons qualified to be elected police trustees shall be such persons as reside within the police village or within two miles thereof, and are eligible to be elected township councillors, and are qualified in respect of property for which they are rated in such police village to the amount which would be required to qualify them for election as township councillors. R. S. O. 1897, c. 223, s. 717.

Deficiency in number of qualified persons.

**718.** If there are not six persons qualified under the preceding section, any person entitled to vote at the election may be elected. R. S. O. 1897, c. 223, s. 718.

Qualification of electors.

**719.** Any township elector, rated on the last revised assessment roll for such property in a police village as entitles him to vote in respect thereof at the municipal election for the township, shall be entitled to vote at the election for police trustees. R. S. O. 1897, c. 223, s. 719.

[ R. S. O. c. 223 s. 720, repealed by 63 V. c. 33 s. 51. ]

Place for holding subsequent elections, etc.

**721.** After the first election in a police village, the trustees thereof, or any two of them, shall, from time to time, by writing under their hands, appoint the returning officer, and the place or places within such village for holding nominations and elections. R. S. O. 1897, c. 223, s. 721.

No election to be held in a tavern.

**722.** No election of police trustees shall be held in a tavern or in a house of public entertainment licensed to sell spirituous liquors. R. S. O. 1897, c. 223, s. 722.

Nomination meeting.

**723.**—(1) A meeting of the electors shall take place for the nomination of candidates for the offices of police trustees, in each police village, at noon on the last Monday in December, annually, at such place therein as is from time to time fixed by the trustees.

Provision for Christmas day.

(2) When the last Monday in December is Christmas day the meeting shall be held on the preceding Friday. R. S. O. 1897, c. 223, s. 723.

Nominations in police villages.

(3) The police trustees may by by-law provide that the nomination for police trustees may be held at half-past seven in the evening instead of the hour in the said section mentioned. 63 V. c. 33, s. 57.

Who to preside.

**724.** The returning officer (or, in his absence, a chairman to be chosen) shall preside at such meeting, of which the police trustees shall give at least six days' notice. R. S. O. 1897, c. 223, s. 724.

**725.**



**725.** If only three candidates are proposed and seconded the returning officer or chairman shall, after a lapse of one hour, declare such candidates duly elected. R. S. O. 1897, c. 223, s. 725. If no more candidates than offices.

**726.** If more than the necessary number of candidates are proposed, the returning officer or chairman shall adjourn the proceedings until the first Monday in January, when a poll or polls shall be opened for the election, at nine o'clock in the morning, and shall continue open until five o'clock in the afternoon, and no longer. R. S. O. 1897, c. 223, s. 726. If more, and poll demanded. Election.

**727.** The returning officer or chairman of the meeting shall, on the day following that of the nomination, post up in the office of the clerk of the township, if it is situated in such police village, and if not, then in some other public place in such police village, the names of the persons nominated at the meeting; and shall, if a poll is necessary, demand in writing from the clerk of the township, or clerks of the townships, a list of the names of the persons appearing by the last revised assessment roll to be entitled to vote in the said police village, such as is required to be furnished under the next succeeding section. R. S. O. 1897, c. 223, s. 727. Notice of persons proposed, to be posted. List of voters to be obtained.

**728.** The clerk of the township, or clerks of the townships in which any police village is situated, shall, at latest on the day previous to the day for opening the poll, deliver to the returning officer of the police village a list of the names, according to the form prescribed by law in the case of other municipal elections, of the persons entitled to vote at township municipal elections, in respect of real property situate, or income received in the said police village, or in the portion thereof in the municipality of such clerk, and shall attest the said list by his solemn declaration in writing under his hand. R. S. O. 1897, c. 223, s. 728. Clerk of township to furnish alphabetical list of voters.

**729.** The various sections of this Act relating to the proceedings at the nomination and election of township councillors, including those relating to the questions to be put and oaths to be administered to electors, and as to the appointment of a chairman or returning officer, in case the person appointed is absent, and also the provisions respecting controverted elections and for the prevention of corrupt practices, shall apply and be acted on in the election of police trustees, except where a different provision is herein made. R. S. O. 1897, c. 223, s. 729. Except where otherwise provided, same proceedings, etc., to be had as at elections, etc., of councillors, etc.

**730.** In case a casting vote is required to determine an election, the returning officer, whether otherwise qualified or not, shall give a casting vote for one or more of the candidates, so as to decide the election, and except in such case the returning Casting vote.

returning officer shall not vote at such election. R.S.O. 1897, c. 223, s. 730.

Powers of  
returning  
officer.

**731.** The returning officer shall have the like powers for the preservation of the peace as are given to returning officers and deputy returning officers at municipal elections. R.S.O. 1897, c. 223, s. 731.

Term of office.

**732.** The persons elected shall hold office until their successors are elected or appointed and sworn into office and hold their first meeting. R.S.O. 1897, c. 223, s. 732.

Returning  
officer to  
return ballot  
papers, etc.,  
to clerk of  
township,  
verified under  
oath.

**733.** Every returning officer shall, on the day after the close of the poll, return the ballot papers, voters' lists and other documents relating to the election, to the clerk of the township in which the village is situated, or in case the village lies in several townships, then to the clerk of the county, verified under oath before such clerk, or before any Justice of the Peace for the county or union of counties in which the village lies, as to the due and correct taking of the votes. R.S.O. 1897, c. 223, s. 733.

Filling  
vacancies.

**734.** In case of a vacancy in the office of a police trustee by death or otherwise, the remaining trustee or trustees shall, by writing to be filed with such clerk as aforesaid, appoint a trustee or trustees to supply the vacancy. R.S.O. 1897, c. 223, s. 734.

Appointment  
of inspecting  
trustee.

**735.** The trustees of every police village, or any two of such trustees, shall, by writing under their hands, to be filed with the clerk of the township, or in case the village lies in several townships, with the clerk of the county, appoint one of their number to be inspecting trustee. R.S.O. 1897, c. 223, s. 735.

#### DIVISION III.—DUTIES AND POWERS OF POLICE TRUSTEES.

*Oaths of office and qualification. Sec. 736.*

*First meeting of. Sec. 737.*

*Expenditure, how provided for. Secs. 738-743.*

*License fund. Sec. 742a.*

*Fire protection, lighting and heating. Secs. 744, 744a.*

*Fire protection, assessment of part of village. Sec. 745.*

*Establishment of parks, gardens, etc., in police villages, etc. Sec. 746.*

*Appointment of constable. Sec. 746a.*

*By-laws of police trustees. Secs. 746b, 746c.*

*Regulations to be enforced by Trustees. Sec. 747.*

*Prevention of Fire. (1-12)*

*Gunpowder. (13, 14)*

*Nuisances. (15)*

*Penalties. Secs. 748-750.*

*Neglect*

*Neglect of duty by Trustees how punishable. Sec. 74<sup>c</sup>*

*Limitation of actions for penalties. Sec. 750.*

*Application of penalties and license fees. Sec. 750a.*

**736.** Every police trustee shall take the oaths of office and qualification in the same manner and within the time prescribed for township councillors, under like penalties in case of default. Oaths of office and qualification.  
R.S.O. 1897, c. 223, s. 736.

**737.** The trustees of every police village shall hold their first meeting at noon on the third Monday of the same January in which they are elected, or on some day thereafter at noon. When first meeting to be held.  
R.S.O. 1897, c. 223, s. 737.

**738.** The trustees, at any time previous to the first day of June, may require the council of the township or townships in which the police village is situated to cause to be levied along with the other rates, upon the property liable to assessment in such village, such sums as they may estimate to be required to cover the expenditures for that year in respect of matters coming within their duties, and to cover any balance for expenditures incurred during the year then last past, such sum not to exceed one cent in the dollar on the assessed value of such property. Expenditure, how provided for.  
R.S.O. 1897, c. 223, s. 738.

**739.** In case the village is situated in two or more townships, the trustees shall require a proportionate amount from each, according to the value of the property of the village in each township, according to the proportions determined by the assessors under section 739a of this Act. Where village in two or more townships.  
R.S.O. 1897, c. 223, s. 739; 63 V. c. 33, s. 57.

**739a.**—(1) The assessors of two or more townships in which a police village is situated, immediately after the formation of such police village, shall meet and determine what proportion of the annual requisition made by the police trustees of such police village for the purposes of the said police village shall be levied upon and collected from the taxable property of the respective municipalities out of which the police village is formed, and notice of such determinations shall be given forthwith to the inspecting trustee of the police village concerned, and the said assessors shall meet thereafter in every second year after they have completed their respective assessments for the like purpose. Assessors of townships to determine proportion.

(2) In the event of the assessors disagreeing as to the proportions as aforesaid notice shall be forthwith given to the inspecting trustee of the police village, who shall act as arbitrator and with the assessors aforesaid shall determine the said matter and report the same to the clerk of each of the respective townships within one month of the date upon which the said notice of disagreement was given and the decision of a majority shall be final and conclusive until the next equalization of the assessment. Inspecting trustee to act as arbitrator in case of disagreement.



Meeting of  
assessors.

(3) The meeting of the assessors for the purposes hereinbefore set forth shall be called by the assessor of the township in which is situated the larger portion of the assessable property of the police village. 63 V. c. 33, s. 55.

Rates levied  
in police  
villages.

**740.** The rate levied for police village purposes by the council or councils of the township or townships in which the police village is situated upon the property liable to assessment in such village, shall be in lieu of such proportion of the township rate now levied for the same or like purposes within such village as the trustees and the council may by agreement provide. R.S.O. 1897, c. 223, s. 740.

Powers of  
trustees of  
police villages

**741.** The trustees of every police village may pass by-laws for letting contracts, or employing labour and purchasing material, for building sidewalks, culverts, putting in drains and making, repairing and improving streets, and doing all things necessary for such purposes within the limits of the police village, and may pass by-laws for entering into contracts for the supply of light or heat by any person or company to the police village or the residents therein, and doing all things necessary for such purposes within the limits of the police village. R.S.O. 1897, c. 223, s. 741; 2 Edw. VII c. 29, s. 37.

Payment of  
orders given  
for trustees,  
etc.

**742.** The township treasurer shall from time to time, if he has moneys of the municipality in his hands not otherwise appropriated, pay any order given in favour of any person by the inspecting trustee, or by any two of the trustees, to the extent of the amount required to be levied as aforesaid, although the same may not have been then collected, and he shall in like manner pay any such order to the extent of the moneys received by him for licenses under any by-law passed by the police trustees of the police village and for breaches of any such by-law and for penalties under section 747 of this Act. R.S.O. 1897, c. 223, s. 742; 63 V. c. 33, s. 59.

Licenses fund  
for police  
villages.

**742a.** The council of any township in which a police village or part of the territory comprising a police village is situated, may by by-law provide that the whole or any part of the sums collected and received by the township for licenses issued for premises situated in the police village or penalties imposed for offences committed in the police village under *The Liquor License Act*, shall be placed to the credit of the police village in the books of the township treasurer and be available for the purposes of the said village. 62 V.(2) c. 26, s. 47.

Rev. Stat.  
c. 245.

When orders  
may be given.

**743.** No trustee shall give any such order in favour of any person except for work previously actually performed, or in payment of some other executed contract. R.S.O. 1897, c. 223, s. 742.

744.—(1) Upon the application of the trustees of any police village for the issue of debentures for the purchase of fire engines and other appliances for the purpose of fire protection and the supply of water therefor or for lighting the streets of such police village, or supplying light and heat to the inhabitants thereof, the council of the township in which the police village is situated, shall, in the manner provided by this Act in respect of by-laws for creating of debts, submit to the ratepayers of such village entitled to vote on money by-laws a by-law for the purpose of issuing such debentures for a period not exceeding ten years, and for levying a special rate for repayment thereof upon the taxable property in such police village, and in the event of the assent of the said ratepayers being thereto obtained, it shall be the duty of such council to raise or borrow such sum.

Submitting by-laws for purchase of fire appliances and lighting and heating in police villages.

(2) Debentures issued under this section shall be so issued in conformity with section 386 of this Act.

Issuing debentures.

(3) All moneys raised as aforesaid by the issue of debentures shall be retained in the hands of the township treasurer, who shall pay thereout any order given by the inspecting trustee or by any two of the trustees in favour of any person or persons, such order being for work previously actually performed or in payment of some other executed contract necessary for the carrying out of such improvements.

Treasurer to pay orders of trustees on funds raised.

(4) The trustees may, and shall let contracts, employ labour purchase material, and do all things necessary for the proper construction, maintenance and operation of such improvements, and they shall have the care, control and management of the said fire engine and appliances as well as of the construction, maintenance and operation of the plant and apparatus necessary for the purpose of supplying light and heat as aforesaid.

Trustees may make contracts, employ labour, etc.

(5) The trustees shall annually before the striking by the township council of the rate for the year, furnish to the council a statement showing in detail the amount required to be levied from the property of the village for the services aforesaid for the current year, and for managing and maintaining the said fire engine and appliances, and for providing the necessary water supply. R. S. O. 1897, c. 223, s. 744.

744a. Where the territory comprised in a police village lies in two or more townships, by-laws for the purposes mentioned in section 744 of this Act shall be prepared by the police trustees and shall be submitted to a vote of the ratepayers by the police trustees in the same manner as nearly as may be, as in the case of by-laws submitted by a municipal council. The amount to be assessed and levied upon the property in each of the townships in which the police village lies respectively shall be based upon the last equalization of the assessment by the assessors of the said townships to be made as provided in section 739a. of this Act, and the police trustees shall

Fire protection, etc., submitting by-law to ratepayers.

Assessment based on last equalization.

Council to levy  
and collect  
rates. De-  
bentures.

shall in and by such by-law ascertain the amount to be raised by the council of each of the townships in which the police village lies. The by-law shall name some person to act as returning officer upon the taking of the vote of the ratepayers. Upon such by-law receiving the assent of a majority of the ratepayers entitled to vote, and being passed by the police trustees the trustees shall serve a certified copy of such by-law upon the clerk of each of the townships in which the territory comprised in the police village is situated ; and the council of each of such townships shall levy and collect the rates required by said by-law within the territory under the jurisdiction of such council. And the council of each of such townships shall issue debentures for the proportion required to be raised by the council of such township. 63 V. c. 33, s. 54.

Fire protec-  
tion in defined  
area in police  
villages.

**745.**—(1) Upon the petition of a majority of the ratepayers entitled to vote on money by-laws in any defined area or portion of a police village, representing in value more than one-half of the assessed real property within such portion or area, the township council of the township in which such police village is situate may pass a by-law or by-laws for the purchase of a fire engine and other appliances and the supply of water therefor for the purposes of fire protection, and may by by-law define, by metes and bounds or otherwise, what real property within such area will be benefited by the proposed fire protection and is to be charged with the cost thereof, and may also by by-law make provision for assessing and levying on the real property so defined the cost of managing and maintaining the said fire engine and appliances and of providing the necessary water supply.

Cost of such  
engine, etc.

(2) The said council may levy in any one year upon the real property so to be benefited, the cost of such engine and appliances and of the water supply, or they may issue the debenture or debentures of the township payable during a period not exceeding ten years in annual proportions with interest, and may from time to time levy the amount payable thereon upon the real property to be benefited as aforesaid.

Police trust-  
ees to have  
charge.

(3) The police trustees shall have the charge, control and management of the said fire engine and appliances and of the said supply of water ; and they shall annually before the striking of the rate for the year by the township council furnish to the council a statement showing in detail the amount required to be levied for the current year for managing and maintaining the said fire engine and appliances and for providing the necessary water supply.

Assent of  
electors not  
required.

(4) It shall not be necessary to submit to a vote of the electors any of the said by-laws in this section or in section 744 of this Act mentioned, except the by-law directed to be so submitted, nor to comply with the other formalities required only for or on account of such submission.



(5) Debentures issued under this section shall be so issued Issuing in conformity with section 386 of this Act. R. S. O. 1897, c. debentures. 223, s. 745.

*Establishment of Parks, Gardens, etc.*

**746.**—(1) Upon the petition of three-fourths of the persons Establish- entitled to vote upon a money by-law in any police village, ment of parks, the township council of the township in which such police gardens, etc., village is situate may pass a by-law or by-laws for ac- in police quiring real property within or without the limits of said villages. police village for a public park, garden or place for exhibitions, and for the erection thereon of such buildings and fences as the said council may deem necessary for the purposes of such park, garden or place for exhibitions and for the disposal of such real property and improvements when no longer required for such purposes.

(2) The council may by by-law make provision for assessing Assessing and levying on the real property of the said police village, property in the cost of such park, garden or place for exhibitions, and of police villages the erection thereon of buildings and fences and of the repair for cost of and maintenance thereof, or for issuing debentures of the parks. township payable during a period not exceeding ten years in annual proportions with interest, and for levying upon such real property the amount from time to time payable on such debentures.

(3) The police trustees shall have the charge, control and Police trustees management of such public park, garden or place for exhibi- to have con- tions, and shall annually before the striking of the rate for the trol of park. year by the township council furnish to the council a statement showing in detail the amount required to be levied for the current year for managing and maintaining such public park, garden or place for exhibitions.

(4) It shall not be necessary to submit any of the said Assent of by-laws in this section mentioned to a vote of the electors, nor electors not to comply with the other formalities required only for or on required. account of such submission. R. S. O. 1897, c. 223, s. 746.

*Appointment of a Constable.*

**746a.** (1) The police trustees of any police village may Appointment appoint a constable, who shall have the same powers and shall of constable perform the same duties within the police village as a constable for police appointed by the council of an incorporated village. village.

(2) Every constable so appointed shall be paid by the town- Remuneration ship treasurer out of the funds at the credit of the police vil- of constable. lage such salary or other remuneration as the police trustees shall order in writing. 62 V. (2) c. 26, s. 48

*By laws*

*By-laws of Police Trustees.*

Police trustees to pass by-laws for certain purposes.

**746b.** (1) The police trustees of any village may pass by-laws applicable only in the police village for any of the purposes mentioned in section 546 and in paragraph 1 of section 559, and in paragraphs 4, 5, 8, 9, 28 and 29 of section 583, and paragraph 4 of section 591 of this Act; and thereafter no general by-law of the township or either of the townships in which the police village is situate for any of such purposes shall apply in such village.

(2) The police trustees of any police village may pass by-laws applicable only in the police village for any of the purposes mentioned in paragraphs 1, 2, 3 and 4 of section 540 of this Act, provided there is no township by-law in force for any of the purposes mentioned therein. 63 V. c. 33, s. 52.

By-laws, authentication, etc., of

**746c.** By-laws passed by the police trustees of any police village shall be duly authenticated by the signature of two of the trustees, and a copy of any such by-law certified by one of the police trustees to be a true copy shall be of the same force and shall have the same effect as a copy of any municipal by-law duly certified by the clerk of the municipality in the manner provided by section 334 of this Act; and within seven days after the passing of any by-law by the police trustees of a police village a certified copy of such by-law shall be transmitted to the clerk of the township or of each of the townships in which such police village is situate. 63 V. c. 33, s. 53.

*Regulations governing Police Villages.*

Following regulations to be enforced:

**747.** The trustees of every police village shall execute and enforce therein the regulations following:

*Prevention of Fire.*

For providing ladders, etc.

1. Every proprietor of a house more than one storey high shall place and keep a ladder on the roof of such house near to or against the principal chimney thereof, and another ladder reaching from the ground to the roof of such house, under a penalty of \$1 for every omission; and a further penalty of \$2 for every week such omission continues.

Penalty.

Fire buckets.  
Penalty.

2. Every householder shall provide himself with two buckets fit for carrying water in case of accident by fire, under a penalty of \$1 for each bucket deficient.

As to  
furnaces, etc.

Penalty.

3. No person shall build any oven or furnace unless it adjoins and is properly connected with a chimney of stone or brick at least three feet higher than the house or building in which the oven or furnace is built, under a penalty not exceeding \$2 for non-compliance.

4. No person shall pass a stove-pipe through a wooden or lathed partition or floor, unless there is a space of four inches between the pipe and the wood-work nearest thereto; and the pipe of every stove shall be inserted into a chimney; and there shall be at least ten inches in the clear between any stove and any lathed partition or wood-work, under a penalty of \$2. stove pipes, etc.  
Penalty.

5. No person shall enter a mill, barn, outhouse or stable, with a lighted candle or lamp, unless well enclosed in a lantern, nor with a lighted pipe or cigar, nor with fire not properly secured, under a penalty of \$1. Lights in stables, etc.  
Penalty.

6. No person shall light or have a fire in a wooden house or outhouse, unless such fire is in a brick or stone chimney, or in a stove of iron or other metal, properly secured, under a penalty of \$1. Chimneys.  
Penalty.

7. No person shall carry fire or cause fire to be carried into or through any street, lane, yard, garden or other place, without having such fire confined in some copper, iron or tin vessel, under a penalty of \$1 for the first offence, and of \$2 for every subsequent offence. Securing fire carried through streets, etc.  
Penalty.

8. No person shall light a fire in a street, lane or public place, under a penalty of \$1. Lighting fires on streets.  
Penalty.

9. No person shall place hay, straw or fodder, or cause the same to be placed, in a dwelling-house, under a penalty of \$1 for the first offence, and of \$5 for every week the hay, straw or fodder is suffered to remain there. Hay, straw, etc.  
Penalty.

10. No person, except a manufacturer of pot or pearl ashes, shall keep or deposit ashes or cinders in any wooden vessel, box or thing not lined or doubled with sheet-iron, tin or copper, so as to prevent danger of fire from such ashes or cinders, under a penalty of \$1. Ashes, etc.  
Penalty.

11. No person shall place or deposit any quick or unslacked lime in contact with any wood of a house, outhouse or other building, under a penalty of \$1, and a further penalty of \$2 a day until the lime has been removed, or secured to the satisfaction of the inspecting trustee, so as to prevent any danger of fire. Lime.  
Penalty.

12. No person shall erect a furnace for making charcoal of wood, under a penalty of \$5. Charcoal furnaces.  
Penalty.

### *Gunpowder.*

13. No person shall keep or have gunpowder for sale, except in boxes of copper, tin or lead, under a penalty of \$5 for the first offence, and \$10 for every subsequent offence. Gunpowder, how to be kept.  
Penalty.

14. No person shall sell gunpowder, or permit gunpowder to be sold in his house, storehouse or shop, outhouse or other building, at night, under a penalty of \$10 for the first offence, and of \$20 for every subsequent offence. Not to be sold at night.

*Nuisances,*



*Nuisances.*

Certain  
nuisances  
prohibited.

15. No person shall throw, or cause to be thrown, any filth or rubbish into a street, lane or public place, under a penalty of \$1, and a further penalty of \$2 for every week he neglects or refuses to remove the same after being notified to do so by the inspecting trustee, or some other person authorized by him. R.S.O. 1897, c. 223, s. 747.

*Penalties.*

Who to sue  
for penalties.

And before  
whom.

Conviction  
and levy of  
penalty.

748. The inspecting trustee, or in his absence, or when he is the person complained of, one of the other trustees, shall sue for all penalties incurred under the regulations of police herein established, before a Justice of the Peace having jurisdiction in the police village and residing therein, or within five miles thereof; or if there be no such Justice then before any Justice of the Peace having jurisdiction in the police village; and the Justice shall hear and determine such complaint in a summary manner, and may convict the offender, upon the oath or affirmation of a credible witness, and cause the penalty, with or without costs, to be levied by distress and sale of the goods of the offender. R.S.O. 1897, c. 223, s. 748; 63 V. c. 33, s. 60.

Penalty for  
breach of duty  
by trustees.

749. Any police trustee who wilfully neglects or omits to prosecute an offender at the request of any resident householder of the village offering to adduce proof of an offence against the regulations of police herein established, or who wilfully neglects or omits to fulfil any other duty imposed on him by this Act, shall incur a penalty of \$5. R.S.O. 1897, c. 223, s. 749.

When prose-  
cutions to be  
commenced.

750. The penalties prescribed by the next preceding section or by that for the establishment of regulations of police, shall be sued for within ten days after the offence has been committed or has ceased, and not subsequently. R.S.O. 1897, c. 223, s. 750.

750*a*. All sums collected for license fees or for penalties for offences against any by-law passed by the police trustees of a police village, or against any regulation contained in section 747 of this Act, shall be paid over to the treasurer of the township in which the licensee resides or carries on business, or in which the offence was committed. 63 V. c. 33, s. 56.

## DIVISION IV.—INCORPORATION OF BOARD OF POLICE TRUSTEES.

When police  
trustees may  
be incor-  
porated.

751.—(1). When the census returns of a police village, taken under the direction of the council or councils of the county or counties in which the village is situate, show that the same contains over 500 inhabitants, then, on petition of not less than fifty resident freeholders of the police village, the council or councils of the county or counties in which the police village is situate shall by by-law declare the police trustees of the said police village a corporation under the name of "The Board of Police Trustees of the Police Village of (*naming it*)."

(2). If the police village or any part thereof has been laid out in lots on a registered plan, each petitioner shall state the number of the lot owned by him.

(3). No by-law shall be passed under this section until the petition therefor has been lodged with the clerk of the county for at least one month before the meeting of the council at which the same is to be considered, nor unless public notice has, within two months previous to the meeting of the council at which the same is to be considered, been published at least once a week for two successive weeks in some newspaper at or nearest to the police village. 3 Edw. VII., c. 18, s. 165.

**752.** After the passing of the by-law incorporating the police trustees of any police village, the board of police trustees shall have power from time to time to pass by-laws for the construction and maintenance of any of the works, improvements or services, to be paid for by local rate mentioned in section 664 and following sections of this Act, which may be undertaken by the corporation of any incorporated village; and every such by-law shall be filed with the clerk of the township or the clerks of the townships in which such police village is situate, and the rates required to be levied under such by-law shall be entered on the township rolls and shall be levied and collected in the police village, and all monies raised under any such by-law shall be paid out by the treasurer of the township or treasurers of the townships upon the order of the board of police trustees. 3 Edw. VII., c. 18, s. 165.

Local improvements in police villages.

**753.** After the incorporation of the board of police trustees in any police village, the said board shall be responsible for the maintenance and repair of all works, improvements and services undertaken by them under the powers by this Act conferred; and any monies required for the purpose of such maintenance and repair shall be levied by the council of the township, or the councils of the townships, upon all the property liable to assessment in the police village, upon the requisition of the board of police trustees. 3 Edw. VII., c. 18, s. 165.

Board to be responsible for maintenance and repair.

**754.** On default of any board of police trustees to maintain and keep in repair works constructed by such board as aforesaid, the said board of police trustees as a corporation shall be responsible for all damages by reason of such default; and the provisions of section 606 of this Act shall, as to any such works, improvements or services, apply to every such board of police trustees; and the said board of police trustees shall have the same remedy against any person other than a servant or agent of the corporation as any municipal corporation would have in the like case under section 609 of this Act. 3 Edw. VII., c. 18, s. 165.

Corporation to be liable for default.

**755.—(1).** All damages and costs awarded against a board of police trustees under the preceding section, and all sums and costs.

Providing for payment of damages and costs.

and amounts agreed upon, and certified by the inspecting trustee as properly payable to any person in settlement of any claim for damage sustained through any neglect or default in the maintenance and repair of any work, improvement or service done or made under the provisions of this Act, shall be paid by the treasurer of the township, or the treasurers of the townships, out of the moneys in his or their hands, to the credit of the police village; and in case there are not sufficient unappropriated moneys in hand to the credit of the police village for the purpose, any amount so paid shall be raised and levied by special rate upon all the assessable property in the police village in the same manner as other municipal taxes.

Remedy for  
non-repair to  
be against  
Board of  
Police  
Trustees.

(2). No action or other proceeding shall lie or be brought against the corporation of any township for damages sustained by reason of the non-repair of any work, improvement or service done or made by a board of police trustees, incorporated under this Act, or to enforce the maintenance and repair of any such work, improvement or service, but every such action or other proceeding may be brought or taken against such board of police trustees in the same manner, and with the like remedies, as in the case of similar works constructed by municipal corporations. 3 Edw. VII., c. 18, s. 165.

Light and  
heat.

**756.** The board of police trustees of any police village shall have power to pass by-laws for the purposes mentioned in paragraphs 1, 2 and 4 of sections 566 and 568 of this Act, but under and subject to the provisions contained in the said section governing the exercise of the said power; and every such by-law shall be fyled with the clerk of the township, or the clerks of the townships, in which the police village is situate, and the council or councils of the said township or townships shall levy and collect the money required to be raised under the said by-law by special annual rate upon all the assessable property in the said police village. 3 Edw. VII., c. 18, s. 165.

Powers here-  
before con-  
ferred not  
affected.

**757.** The provisions contained in sections 751 to 756 of this Act shall not be taken or deemed to affect the powers heretofore conferred upon the police trustees of any police village, or the powers of the council of any township with relation thereto, but the incorporated board of police trustees of any police village shall be elected in the same manner, and, in addition to the powers by this Act conferred, shall have and may exercise all the powers and shall perform all the duties of police trustees in any police village heretofore set apart. 3 Edw. VII., c. 18, s. 165.

#### REPEALING AND SAVING CLAUSES.

Repealing  
clause.

**758.** (1). The following Acts and parts of Acts, namely:—

*The Municipal Act* being Chapter 223 of the Revised Statutes of Ontario, 1897.

*The*



*The Municipal Amendment Act, 1898*, except sections 1-2 and 21 thereof.

Items 7 to 16 both inclusive in the schedule to the Act Chapter 2 of the Acts passed at the first session held in the 57th year of the reign of Her late Majesty Queen Victoria.

Sections 1 and 2 of Chapter 5 of the Acts passed at the said session.

Section 22 of Chapter 11 of the Acts passed at the Second session held in the 62nd year of the said reign.

*The Municipal Amendment Act, 1899*, except sections 50-51 and 52.

*The Municipal Amendment Act, 1900*, section 19 of Chapter 12 of the Acts passed in the 1st year of His Majesty's reign.

*The Municipal Amendment Act 1901*;

*The Municipal Amendment Act, 1902*,

are hereby repealed, but this Act shall not be held to operate as a new Act, but shall be construed and have effect as a consolidation of the law as contained in the said Acts and parts of Acts so repealed and for which the provisions of this Act are substituted. Act to take effect as a consolidation.

(2). If upon any point the provisions of this Act are not in effect the same as those of the repealed Acts and parts of Acts for which they are substituted, then as respects all transactions, matters and things subsequent to the time of the passing of this Act the provisions contained in this Act shall prevail, but as respects all transactions, matters and things anterior to the said time the provisions of the said repealed Acts and parts of Acts shall prevail. Where repealed Acts inconsistent.

(3). The repeal of the said Acts and parts of Acts shall not affect any penalty, forfeiture or liability incurred before the time of such repeal or such proceedings for enforcing the same, had done, completed or pending at the time of such repeal, but every such penalty, forfeiture and liability may and shall remain and continue as if no such repeal had taken place and so far as necessary may and shall be continued, prosecuted, enforced and proceeded with under this Act and other the Statutes and laws in force so far as applicable thereto. Effect of repeal.


**759.** Any provision contained in *The Municipal Amendment Act, 1903*, which shall be found to be inconsistent with any provision in this Act shall be deemed to be repealed and the provisions of this Act shall prevail Act to prevail when inconsistent with 3 Edw. VII., c. 18.

SCHEDULE A.

FORM OF BALLOT PAPER.


(Section 141.)

FORM FOR THE ELECTION OF COUNTY COUNCILLORS.


 Election of County Councillors for the First (or as the case may be) County Council Division of the County (or United Counties of ) Township (or as the case may be) of Ward No. , Polling Subdivision No. , day of January, 19 .	FOR COUNTY COUNCILLOR.	<b>CHUZZLEWIT.</b> Martin Chuzzlewit, of the Town of Bothwell, Barrister.
		<b>COPPERFIELD.</b> David Copperfield, of the Village of Tilbury, Gentleman.
		<b>PENDENNIS.</b> Arthur Pendennis, of the Township of Harwich, Farmer.

(1. In the case of Cities and Towns.)

FORM FOR MAYOR.


 Election for the Members of the Municipal Council of the City of Ward No. , Polling Subdivision No. 19 , day of January, 19 .	FOR MAYOR.	<b>ALLAN.</b> Charles Allan, of King Street, in the City of Toronto, Merchant.
		<b>BROWN.</b> William Brown, of the City of Toronto, Banker.

FORM FOR ALDERMAN OR COUNCILLORS.

 Election for the Members of the Municipal Council of the City of Ward No. , Polling Subdivision No. , day of January, 19 .	FOR ALDERMAN (or COUNCILLOR.	<b>ARGO.</b> James Argo, of the City of Toronto, Gentleman.
		<b>BAKER.</b> Samuel Baker, of the City of Toronto, Baker.
		<b>DUNCAN.</b> Robert Duncan, of the City of Toronto, Printer.

[In the case of cities and towns where the Aldermen or Councillors are elected by general vote or in two electoral divisions the form above given is to be adapted.] R.S.O. 1897, c. 223, Sched. A *part* ; 62 V. (2) c. 26 ; 1 Edw. VII. c. 26, s. 7.

(2. In the case of Incorporated Villages and Townships.)

	of  Election of Members of the Municipal Council of the in the County of , Polling Subdivision No. day of January, 19	FOR REEVE	<b>BROWN,</b> John Brown, of the Village of Weston, Merchant.
			<b>ROBINSON.</b> George Robinson, of the Village of Weston, Physician.
		FOR COUNCILLORS.	<b>BULL.</b> John Bull, of the Village of Weston, Butcher.
			<b>JONES.</b> Morgan Jones, of the Village of Weston, Grocer.
			<b>McALLISTER.</b> Allister McAllister, of the Village of Weston, Tailor.
		<b>O'CONNELL.</b> Patrick O'Connell, of the Village of Weston, Milkman.	

62 V. (2) c. 26 Sched. A ; 1 Edw. VII c. 26, s. 7.

SCHEDULE B.

(Section 146.)

DIRECTIONS FOR THE GUIDANCE OF VOTERS IN VOTING.

The voter will go into one of the compartments, and with the pencil provided in the compartment, place a cross, thus **X**, on the right hand side, opposite the name or names of the candidate or candidates for whom he votes or at any other place within the division which contains the name or names of such candidate or candidates. 55 V. c. 42, *Sched. B, part*.

Where two county councillors are to be elected, and the voter desires to give two votes for one candidate, he shall place two crosses, thus **XX**, on the right hand side opposite the name of the candidate for whom he votes, or at any other place in the division which contains the name of such candidate ; but no person is allowed to give two votes for one candidate except as aforesaid. 59 V. c. 52, s. 25.

The



The voter will fold up the ballot paper so as to shew the name or initials of the Deputy Returning Officer (*or* Returning Officer, *as the case may be*) signed on the back, and leaving the compartment will, without showing the front of the paper to any person, deliver such ballot so folded to the Deputy Returning Officer (*or* Returning Officer, *as the case may be*) and forthwith quit the polling place.

If the voter inadvertently spoils a ballot paper, he may return it to the Deputy Returning Officer (*or* Returning Officer, *as the case may be*) who will, if satisfied of such inadvertence, give him another ballot paper.


If the voter votes for more candidates for any office than he is entitled to vote for, his ballot paper will be void as far as relates to that office, and will not be counted for any of the candidates for that office.

If the voter places any mark on his ballot paper by which he may afterwards be identified, or if the ballot paper has been torn, defaced, or otherwise dealt with by the voter so that he can thereby be identified, it will be void, and will not be counted.

If the voter takes a ballot paper out of the polling place, or deposits in the ballot box any other paper than the one given to him by the Officer, he will be subject to imprisonment for any term not exceeding 6 months, with or without hard labour.

In the following forms of ballot paper, given for illustration, the candidates are, for County Councillors, Martin Chuzzlewit, David Copperfield, and Arthur Pendennis; for Mayor, Jacob Thompson and Robert Walker, for Councillors, John Bull, Morgan Jones, Allister McAllister and Patrick O'Connell; and the elector has marked the first ballot paper in favour of Martin Chuzzlewit and Arthur Pendennis for County Councillors, the second ballot paper in favour of Jacob Thompson for Mayor, and the third ballot paper in favour of John Bull and Patrick O'Connell for Councillors.

	Election of County Councillors for the (First) County Council Division of the (County) of Ward No. , Polling Subdivision day of January, 19	FOR COUNTY COUNCILLORS.	<b>CHUZZLEWIT.</b> Martin Chuzzlewit, of the Town of Bothwell, Barrister.	X
			<b>COPPERFIELD.</b> David Copperfield, of the Village of Tilbury, Gentleman.	
			<b>PENDENNIS.</b> Arthur Pendennis, of the Town- ship of Harwich, Farmer.	
	Election for the Members of the Municipal Council of the Ward day of January, 19	FOR MAYOR.	<b>THOMPSON.</b> Jacob Thompson of the Town of Barrie, Merchant.	X
			<b>WALKER.</b> Robert Walker, of the Town of Barrie, Physician.	

	Election for the Members of the Municipal Council of the , Ward No. , No. , day of January, 19 .	<i>FOR COUNCILLORS.</i>	<b>BULL.</b>	<b>X</b>
			John Bull, of the Town of Barrie, Butcher.	
			<b>JONES.</b>	
			Morgan Jones, of the Town of Barrie, Grocer.	
			<b>McALLISTER.</b>	
			Allister McAllister, of the Town of Barrie, Tailor.	
			<b>O'CONNELL.</b>	<b>X</b>
			Patrick O'Connell, of the Town of Barrie, Milkman.	

R.S.O. 1897, c. 223, Sched. B. ; 62 V. (2) c. 26, Sched. B.

## SCHEDULE C.

(Sections 149, 150, 151, 152, 155 and 348).

FORM WHICH THE VOTERS' LIST AND POLL BOOK TO BE FURNISHED TO DEPUTY RETURNING OFFICERS IS TO BE PREPARED.

Column for mark indicating that the voter has voted.	NAMES OF THE VOTERS.	Description of Property in respect of which the voter is entitled to vote.	Freeholder, Tenant, Farmers, Son or Income Voter.	Residence of voter.	Objections.	Sworn or affirmed.	Refused to swear or affirm.	County Councilors.	Mayor and Reeve.	Councillor.	REMARKS.

NOTE.—In Cities, the column above headed "Mayor and Reeve" will be headed "Mayor;" and the column above headed "Councillors" will be headed "Aldermen." In Townships and Villages, the column above headed "Mayor and Reeve" will be headed "Reeve."

R. S. O. 1897, c. 223, *Sched. C.*



## SCHEDULE D.

(Section 156.)

## CERTIFICATE AS TO ASSESSMENT ROLL AND VOTERS' LIST.

Election to the Municipal Council of the  
of

19

I, A. B., Clerk of the Municipality of \_\_\_\_\_ in the  
county of \_\_\_\_\_ do hereby certify that the assess-  
ment roll for this municipality of \_\_\_\_\_ upon which the  
voters' list to be used at this election is based, was finally revised and cor-  
rected on the \_\_\_\_\_ day of \_\_\_\_\_ 19  
and that the last day for making complaint to the County Judge with  
respect to the said list was the \_\_\_\_\_ day of \_\_\_\_\_ 19

Dated this

day of

19

[Seal.]

A. B.,  
Clerk.62 V. (2) c. 26, *Sched. D.*

## SCHEDULE E.

(Section 171.)

## FORM OF DECLARATION OF INABILITY TO READ, ETC.

I, A. B., of \_\_\_\_\_, being numbered \_\_\_\_\_ on the voters' list, for  
polling subdivision No. \_\_\_\_\_, in the City (or as the case may be) of  
and County of \_\_\_\_\_, being a legally qualified elector for the said City  
(or as the case may be) of \_\_\_\_\_, do hereby declare that I am unable to  
read (or that I am from physical incapacity unable to mark a voting paper,  
or that I object on religious grounds to mark a ballot paper as the case  
may be).

(A. B., His + mark.)

Dated this

day of

, A. D. 19

R. S. O. 1897, c. 223, *Sched. E.*

NOTE.—In the case of a person who objects on religious grounds to mark a ballot  
paper the declaration may be made orally and to the above effect. See sec. 171.

## SCHEDULE F.

(Section 171.)

FORM OF ATTESTATION CLAUSE TO BE WRITTEN UPON OR ANNEXED TO  
THE DECLARATION OF INABILITY TO READ, ETC.

I, C. D., the undersigned, being the Deputy Returning Officer for poll-  
ing subdivision No. \_\_\_\_\_, for the City (or as the case may be) of \_\_\_\_\_, do  
hereby certify that the above (or as the case may be) declaration, having  
been first read to the above-named A. B., was signed by him in my pre-  
sence with his mark.

(Signed) C. D.,

Deputy Returning Officer for Polling Sub-  
Division No. \_\_\_\_\_, in the City (or  
as the case may be) of \_\_\_\_\_

Dated this

day of

, A. D., 19

R. S. O. 1897, c. 223, *Sched. F.*

SCHEDULE

## SCHEDULE G.

(Sections 177, 361 and 362.)

## OATH OF DEPUTY RETURNING OFFICER AFTER THE CLOSING OF THE POLL.

I, C. D., the undersigned Deputy Returning Officer for polling sub-division No. , of the City (or as the case may be) of , in the County of , do solemnly swear (or if he is a person permitted by law to affirm, do solemnly affirm) that to the best of my knowledge the annexed voters' list and poll book used in and for the said polling sub-division No. of the said city (or as the case may be) were so used in the manner prescribed by law, and that the entries required by law to be made therein were correctly made.

(Signed) C. D.,  
Deputy Returning Officer.

Sworn (or affirmed) before me at , this day of ,  
A. D. 19 .

(Signed) X. Y.,  
Justice of the Peace.

Or A. B.,  
Clerk of the Municipality of

NOTE.—The foregoing oath is to be annexed to the voters' list used at the election.

R. S. O. 1897, c. 223, Sched. G.

## SCHEDULE H.

(Section 181.)

## FORM OF CERTIFICATE OF RESULT OF POLLS AT AN ELECTION OF MEMBERS OF A COUNTY COUNCIL.

I, , Clerk of the municipal corporation of the of , hereby certify that at the election of county councillors for the first (or as the case may be) county council division of the county (or united counties of ) each candidate received the number of votes placed after his name in the list hereunder written.

Name.	Occupation.	Number of Votes.

Dated at this day of , A. D. 19  
A. B.

Clerk of the municipality of

R. S. O. 1897, c. 223, Sched. H.

SCHEDULE

## SCHEDULE I.

(Section 199.)

## FORM OF STATUTORY DECLARATION OF SECRECY.

I, *A. B.*, solemnly promise and declare that I will not at this election of members of the Municipal Council of the City (*or as the case may be*) of \_\_\_\_\_, disclose to any person or persons the name of any person who has voted, and that I will not in any way whatsoever unlawfully attempt to ascertain the candidate or candidates for whom any elector shall vote or has voted, and will not in any way whatsoever aid in the unlawful discovery of the same; and I will keep secret all knowledge which may come to me of the person for whom any elector has voted.

Made and declared before me at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_  
A. D. 19 \_\_\_\_\_

*C. D.*,  
Justice of the Peace (*or Clerk of*  
the Municipality of \_\_\_\_\_)  
R. S. O. 1897, c. 223, *Sched. I.*

## SCHEDULE J.

(Section 340.)

## FORM OF BALLOT PAPER FOR VOTING ON A BY-LAW.

	<p style="text-align: center;"><b>FOR</b></p> <p style="text-align: center;">The By-law. -</p>
	<p style="text-align: center;"><b>AGAINST</b></p> <p style="text-align: center;">The By-law.</p>

R. S. O. 1897, c. 223, *Sched. J.*

## SCHEDULE K.

(Sections 343 and 345.)

I, the undersigned, *A. B.*, solemnly declare that I am a ratepayer of the Township (*or as the case may be*) of (*the municipality the council of which proposed the by-law*), and that I am desirous of promoting (*or opposing*, as

*the*



*the case may be*) the passing of the By-law to (*here insert object of the by-law*), submitted to the Council of said Township (*or as the case may be*).

(Signature)

A. B.

Made and declared before me this  
A. D. 19 .

day of

C. D.,  
Head of Municipality.

R.S.O. 1897, c. 223 *Sched. K.*

## SCHEDULE L.

(Section 352).

### DIRECTIONS FOR THE GUIDANCE OF VOTERS IN VOTING.

The voter will go into one of the compartments, and with the pencil provided in the compartment, place a cross (thus **X**) on the right hand side, in the upper space if he votes for the passing of the by-law, and in the lower space if he votes against the passing of the by-law.

The voter will then fold up the ballot paper so as to shew the name or initials of the Deputy Returning Officer (*or Returning Officer, as the case may be*) signed on the back, and leaving the compartment will, without showing the front of the paper to any person, deliver such ballot so folded to the Deputy Returning Officer (*or Returning Officer as the case may be*) and forthwith quit the polling place.

If the voter inadvertently spoils a ballot paper, he may return it to the Deputy Returning Officer (*or Returning Officer as the case may be*), who will, if satisfied of such inadvertence, give him another ballot paper.

If the voter places on the paper more than one mark, or places any mark on his ballot paper by which he may be afterwards identified, or if the ballot paper has been torn, defaced or otherwise dealt with by the voter so that he can thereby be identified, it will be void, and will not be counted.

If the voter takes a ballot paper out of the polling place, or deposits in the ballot box any other paper than the one given to him by the Deputy Returning Officer (*or Returning Officer, as the case may be*) he will be subject to imprisonment for any term not exceeding six months, with or without hard labour.

*In the following form of Ballot Paper, given for illustration, the Elector has marked his ballot paper in favour of the passing of the By-law :*

	<p>19 ..... Voting on By-law to (<i>here insert object of the by-law</i>) submitted to the Council of the of</p>	<p>FOR</p> <p>The By-law.</p> <p><b>X</b></p> <hr/> <p>AGAINST</p> <p>The By-law.</p>
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R.S.O. 1897, c. 223 *Sched. L.*  
SCHEDULE

## SCHEDULE M.

(Section 368.)

## FORM OF STATUTORY DECLARATION OF SECRECY.

I, *A. B.*, solemnly promise and declare that, at the voting on the by-law submitted to the electors by the Council of the Township (or as the case may be) of (and the voting on which has been appointed for this day), I will not attempt in any way whatsoever unlawfully to ascertain the manner in which any elector shall vote or has voted, and will not in any way whatsoever aid in the unlawful discovery of the same; and I will keep secret all knowledge which may come to me, of the manner in which any elector has voted.

Made and declared before me at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 19 \_\_\_\_\_.

*C.D.*,  
Justice of the Peace (or Clerk  
of the Municipality of \_\_\_\_\_).

R.S.O. 1897, c. 223, *Sched. M.*

## SCHEDULE N.

(Section 670.)

## SHORT FORM OF LOCAL IMPROVEMENT BY-LAW.

A By-law to provide for borrowing money by the issue of debentures, secured by local special rates, on the property fronting or abutting on (*King Street between Yonge Street and Church Street, in Ward number 2,*) for the paving of said portion of said street.

(Passed \_\_\_\_\_ 19 \_\_\_\_)

Whereas, upon the recommendation of the city engineer and in the opinion of the council of the corporation of \_\_\_\_\_ it became desirable and necessary to pave with asphalt paving and stone curbing, (or as the case may be), part of *King Street between Yonge Street and Church Street, in Ward number two of this \_\_\_\_\_* as a local improvement, and the said council thereupon gave due notice of their intention to pass a by-law for that purpose, and to assess and levy the cost of such improvement and work upon the real property fronting or abutting upon *King Street*, within the limits hereinafter described, pursuant to the provisions of the statutes in that behalf;

And whereas although duly notified as aforesaid, the majority of the owners of such real property, representing at least half of the value thereof, have not petitioned the said Council against the said work and assessment; [or in lieu of the above two recitals if the work is petitioned for use the following:]

Whereas \_\_\_\_\_ and others have petitioned to have *King Street between Yonge Street and Church Street* paved with asphalt paving and stone curbing.]

And whereas it has been ascertained and determined that the real property fronting or abutting upon the lines described as follows, that is to say:—

1. Commencing at a point on the north side of *King Street* at its intersection with the east side of *Yonge Street*, thence easterly along the north side of *King Street*      feet, more or less, to the west side of *Church Street*, being the frontage on the north side of *King Street*, from *Yonge Street* to *Church Street*, producing, after deducting the width of      feet for street intersections and exempt properties, as shown by the statement of the frontage liable for assessment as finally settled      feet, more or less, of frontage assessable on the north side of the street.

2. Commencing at a point on the south side of *King Street*, at its intersection with the east side of *Yonge Street*; thence easterly along the south side of *King Street*      feet, more or less, to the east side of *Church Street*, being the frontage on the south side of *King Street*, from *Yonge Street* to *Church Street*, producing after deducting the width of      feet for street intersections and exempt properties as shown by the report of the City Engineer,      feet, more or less, of frontage assessable on the south side of the street; or, a total of      feet, more or less, of assessable property on both sides of *King Street*, aforesaid, is immediately, directly, equally and especially benefited by the said improvement;

And whereas the total assessed value of the said property is \$

And whereas the said pavement has been laid, and the total cost thereof is the sum of \$      , of which amount the (city) disburses the sum of \$      , being the cost of laying down the said pavement opposite the said street intersections and exempt properties [add and flankages if flankages are allowed by a by-law of the municipality]; and the remaining \$      is to be defrayed by the ratepayers, and is the amount of the debt to be created by this by-law;

And whereas it will require the sum of \$      to be raised annually for a period of      years, the currency of the debentures to be issued under and by virtue of this by-law, to pay the interest of the said debt, and the sum of \$      to be raised annually during the said period for the payment of the debt to be created by this by-law, such last mentioned sum being sufficient, with the estimated interest on the investment thereof, to discharge the said debt when the same becomes payable, making in all the sum of \$      to be raised annually as aforesaid;

And whereas there are      feet of frontage of the said assessable real property on both sides of (*King Street*), within the limits aforesaid according to the said description, immediately, directly, equally and specially benefited by the said improvement and work, upon which it will be required to charge an annual special rate per foot, sufficient to pay the interest and create an annual sinking fund for paying the said principal debt of \$      within      years, which said debt is created on the security of the special rate settled by this by-law, and on that security only; [or if the debentures are to be guaranteed by the municipality at large substitute for all the words after the word "by-law, the following: "and further guaranteed by the said municipality at large."]

And whereas it is expedient to raise the said sum of \$      by debentures of the corporation of      to defray that part of the expense of said work payable by local special rates.

Therefore the municipal council of the corporation of      enacts as follows:—

R.S.O. 1897, c. 223, *Sched. N.*



## SCHEDULE O.

(Section 670.)

## SHORT CLAUSES FOR LOCAL IMPROVEMENT BY-LAWS.

1. Insert in the blanks in the short forms the number of years in which the rate is to be raised, the sum to be raised for interest and sinking fund, the rate to be imposed on each foot and other particulars.

*Column One.**Column Two.*

1. During                      years  
\$                      shall be raised for  
interest and \$                      for debt,  
making together \$

1. During                      years,  
the currency of the debentures to  
be issued under the authority of  
this by-law the sum of \$  
shall be raised annually for the  
payment of interest on said debentures and also the sum of \$  
shall be raised annually for the  
payment of the debt, making in  
all the sum of \$                      to be  
raised annually as aforesaid.

2. A special rate of  
per foot is imposed on each foot of  
above described property to produce  
\$                      and shall be collected  
by collector of taxes as other rates.

2. A special rate of  
per foot is hereby imposed on the  
real property above described,  
according to the frontage thereof,  
over and above all other rates and  
taxes, which special rate shall be  
sufficient to produce in each year the  
said sum of \$                      , and shall be  
annually inserted on the collector's  
roll for ward number two in each  
year for the next succeeding  
years and shall be payable to and  
collected by                      in the  
same way as other rates on the said  
roll.

3. During                      years com-  
mencing with 19                      above described  
property shall be exempt from  
general rates for improvements.

3. During the period of  
years commencing from and after  
the first day of January, A.D. 19                      ,  
the said above described real prop-  
erty shall be exempt from all  
general rates or assessments for  
improvements and works similar to  
those above mentioned, save and  
except the costs of similar works and  
improvements at the intersection of  
streets, and except such portion of  
the general rate as may be imposed  
to meet the costs of like works and  
improvements opposite real prop-  
erty which is exempt from such  
special assessment.

4. \$                      shall be raised by  
loan on above special rate and de-  
bentures therefor shall be issued.

4. The sum of \$                      shall be  
raised by loan by this corporation on  
the security of the special rate

*Column One.*

5. Debentures shall be payable  
years after issue, and shall  
bear per cent. interest.

6. Debentures may be made payable anywhere, in any currency, and proceeds thereof shall be used in paying off loans for work (if any).

7. Owners may commute assessment by paying per foot in first year and a proportionately reduced rate for the years collected.

8. Moneys received from special rate or commutation shall be invested.

*Column Two.*

hereby imposed, and on that security only; and debentures amounting to the sum of \$ shall be issued by the said corporation therefor.

[If the debentures are to be guaranteed by the municipality add after the word "issued" in the first column "guaranteed by the municipality," and after the word "only" in the second column "and further guaranteed by the said municipality at large."]

5. The said debentures shall be made payable at the expiration of years from the date of issue of the same, and bear interest at the rate not exceeding per cent. per annum.

6. The debentures may, both as to principal and interest, be payable in any place in Great Britain, in the United States of America or Canada, and may be expressed in sterling money or in any other currency, and may be made payable in gold, and the amount to be raised thereon shall be paid out and expended in paying off and discharging any temporary loans heretofore obtained on account of the said improvement and works and in no other way and for no other purpose whatsoever.

7. If at any time any of the owners of the said real property hereinbefore described, or of any part thereof, desire to commute the assessment imposed by this by-law by the payment of his, her or their proportionate share or shares of the cost thereof as a principal sum in lieu thereof, he, she or they may so commute by the payment of per foot on his, her or their property on street aforesaid, at any time during the first year after the passing of this by-law, or in any subsequent year, by the payment of such sum as may be necessary to realize at the end of the currency of such debentures a sum equivalent to the balance then unpaid of the said annual special rate thereon.

8. All moneys arising out of the said annual special rate and all moneys received in commutation thereof under the preceding section of this by-law, shall be invested by the treasurer of this municipality from time to time as the law directs.

*Column.*

*Column One.*

9. Debentures shall contain provision of section 434 of *The Municipal Act*.

10. Debentures shall be subject to consolidation.

11. This by-law to take effect now.

*Column Two.*

9. Every debenture to be issued hereunder shall contain a provision in the following words :—“This debenture, or any interest therein, shall not, after a certificate of ownership has been indorsed thereon by the treasurer of this municipal corporation, be transferable except by entry by the treasurer or his deputy in the debenture registry book of the said corporation at the town (or village) of (or to the like effect.)

10. The amount of debentures authorized to be issued under this by-law is subject to consolidation by including the same in a collective or cumulative by-law to be hereafter passed, consolidating the same with other amounts authorized, or to be authorized, by other local improvement by-laws, and under which consolidating by-law the required debentures to provide for the amounts to be raised under this and said other individual by-laws shall be issued in a consecutive issue, as shall in said consolidating by-law be more particularly enacted in that behalf.

11. This by-law shall come into operation and take effect on the day of the passing hereof.

R.S.O. 1897, c. 223, *Sched. O*.



## CHAPTER 20.

An Act to amend An Act to permit Municipalities  
to use Voting Machines.*Assented to 12th June, 1902.*

**H**IS MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows :—

63 Vict. c. 37,  
s. 15, repealed

1. Section 15 of the Act passed in the sixty-third year of the Reign of Her late Majesty Queen Victoria, intituled *An Act to permit Municipalities to use Voting Machines*, is repealed, and the following section substituted therefor :—

Machines to be  
kept locked  
and sealed for  
30 days after  
election.

15. All voting machines shall remain locked and sealed for a period of 30 days, next succeeding the date of an election, or until it is necessary to prepare the voting machines for another election, and shall not be opened nor their contents examined during the time, except by order of a Court or Judge of competent jurisdiction, unless proceedings have been started within said 30 days, under the provisions of subsection 1 of section 220, of *The Municipal Act*, to contest the validity of the election of any mayor, warden, reeve, deputy reeve, alderman, county councillor, councillor or school trustee, or to show that such election was not legal, or had not been conducted according to the law, or that some person or persons declared elected thereat, had not been duly elected, and in such case the said voting machines shall remain locked and sealed for a period of 30 days, next succeeding the date of such election, and shall not be opened or their contents examined, except by order of a Court or Judge of competent jurisdiction

Rev. Stat., c.  
223.

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## CHAPTER 21.

## An Act to amend The Assessment Act.

*Assented to 12th June, 1903.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1.—(1) The paragraph numbered 4 including clause (a) appended thereto of section 7 of *The Assessment Act* is repealed and the following substituted therefor :—

Rev. Stat.  
c. 224, s. 7,  
par. 4  
repealed.

4. The buildings and grounds of and attached to or otherwise bona fide used in connection with and for the purposes of every university, every college or institute of learning affiliated to or represented by statute on the senate or governing body of any university, every high school, public or separate school, whether vested in a trustee or otherwise, so long as such buildings and grounds are actually used and occupied by such institution, but not if otherwise occupied.

Public educa-  
tional insti-  
tutions.

4a. Every other school or seminary of learning which is conducted in conformity with regulations to be prescribed by the Lieutenant-Governor in Council as necessary to be fulfilled in order to obtain exemption from taxation.

Other schools  
etc.

The Lieutenant-Governor in Council for this purpose may establish regulations prescribing the character and description of the schools and seminaries of learning which may become entitled to exemption in whole or in part, the standard of studies to be pursued therein, and any other conditions to be fulfilled ; and may require such schools and seminaries of learning to submit to any prescribed inspection.

Upon filing with the clerk of the municipality a certificate of compliance with such regulations, signed by an officer designated for that purpose, any such school or seminary of learning shall be exempt from taxation, to the extent mentioned in the certificate, until the same is revoked.

(2) The paragraph numbered 3 of said section 7 is amended by striking out all the words after the words "burying ground" in the second line.

Rev. Stat.  
c. 224, s. 7,  
par. 3  
amended.

2. The paragraph numbered 13 in the said section 7 is repealed and the following substituted therefor :—

33 s.

Rev. Stat.  
c. 224, s. 7,  
par. 14  
repealed.

Land occupied by military or naval officers, etc., and their pay, salaries, pension, etc.

13. The house and premises of any officer, non-commissioned officer or private of His Majesty's regular Army or Navy in actual service, while occupied by him, to the extent of \$3,000 of the value thereof; and the full or half pay of anyone in either of such services; and any pension, salary, gratuity or stipend, derived by any person from His Majesty's Imperial Treasury, and the income of any person in such Naval or Military services, on full pay, or otherwise in actual service.

Rev. Stat. c. 224, s. 7, par. 26 repealed.

3. The paragraph numbered 26 in the said section 7 and clause (a) appended thereto are repealed and the following substituted therefor:—

Personal earnings in t exceeding \$1,000, income up to \$400.

26. The annual income of any person derived from his personal earnings to the amount of \$1,000 and the annual income of any person to the amount of \$400 derived from any source other than personal earnings.

Rev. Stat. c. 224 amended.

4. *The Assessment Act* is amended by adding thereto the following section:—

Transfer of property theretofore exempt to a person not entitled to exemption.

7a—(1) Whenever a transfer is made of any property theretofore exempt from taxation under section 7 of this Act, to some person not thereafter entitled to such exemption, or whenever property used for some purpose which would entitle it to exemption under the said section ceases to be so used or whenever the period, for which any property is declared to be exempt from taxation under any statute or by-law expires, such property shall immediately be liable to taxation for so much of the taxes as such property would have been liable for after such transfer, if it had not been exempt; and the taxes levied and collected in respect thereof shall form part of the general taxes of the municipality.

General taxes.

(2) If the assessment for such municipality or the ward or part thereof where such property is situated has been completed before such transfer, or so far completed that the same cannot be assessed in the usual manner, then the Assessor or Assessment Commissioner of the municipality shall assess the said property as though the Assessment Rolls were not completed, and the person assessed therefor shall have the right to appeal against such assessment within four days after receiving notice thereof; and, if he appeals therefrom, all the provisions of this Act as to appeals to or from the Court of Revision shall apply thereto; and thereafter such owner and occupant shall be liable for the taxes thereon at the rate fixed for such year as though the name of the owner and the description of the property, and the value thereof and other particulars were inserted in the usual way.

Remedies for collection.

(3) All remedies for collecting such taxes shall be applicable to such owner and property.

Not to apply after rate of taxation for year fixed.

(4) These provisions shall not apply to enable any taxes for the current year to be collected upon any property transferred



ferred after the by-law fixing the rate of taxation for such year has been passed.

5. *The Assessment Act* is amended by adding thereto the following section :—

Rev. Stat. c. 224 amended.

7b. The exemptions provided for by section 7 of this Act shall be subject to the provisions of *The Municipal Act* with respect to the assessment of property for local improvements.

6. Subsection 2 of section 18 of *The Assessment Act* as enacted by *The Assessment Amendment Act, 1902*, is repealed, and the following substituted therefor :—

Rev. Stat. c. 224, s. 18, subs. 2 repealed.

(2) The property by subsection 3 of this section declared to be "land" within the meaning of this Act, owned by companies supplying water, heat, light and power to municipalities and the inhabitants thereof, telephone companies, telegraph companies, and companies operating street railways and electric railways shall, in a municipality divided into wards, be assessed in the ward where the head office of such company is situate, if such head office is situated in such municipality, but if the head office of such company is not in such municipality then the assessment may be in any ward thereof.

Assessment of lands of water, heat, light, power, telephone, telegraph, street railway and electric railway companies.

7.—(1) Subsection 4 of section 18 of *The Assessment Act* as enacted by *The Assessment Amendment Act, 1902*, is repealed, and the following substituted therefor :—

Rev. Stat. c. 224, s. 18, subs. 4 repealed.

(4) The rolling stock of any street railway company or electric railway company shall not be "land" within the meaning of this Act and shall not be assessable.

Rolling stock, etc., not to be assessable.

(2) The said section 18 is further amended by inserting therein the following subsection :—

Sec. 18 amended.

(3a) Land belonging to any of the companies mentioned in subsection 2 of this section, and not situate upon any street, road, highway, lane, or other public place, shall likewise be assessed at its actual cash value, as the same would be appraised upon a sale to another company possessing similar powers, rights and franchises.

Land belonging to companies, how assessed.

8. Subsection 20 of section 71 of *The Assessment Act* is repealed, and the following subsections inserted in lieu thereof :—

Rev. Stat. c. 224 s. 71, subs. 20 repealed.

"(20) In case any person appeals against any assessment, as hereinbefore provided, upon any ground, the Court of Revision or the Judge of the County Court, or the County Judges hearing the appeal under section 84 of this Act, or the Court of Appeal, as the case may be, may re-open the whole question of the assessment, so that omissions from or errors in the assessment roll may be corrected, and the accurate amount for which the assessment should be made, and the person or persons who should be assessed therefor may be placed

If appeal lodged whole assessment may be opened.

placed upon the assessment roll by the Court, Judge or Judges, and if necessary the roll of any particular Ward or Subdivision of the Municipality, even if returned as finally revised, may be opened so as to make the same correct in accordance with the finding of such Court, Judge or Judges.

If corrections made after collectors' rolls prepared, mode to collect taxes on corrected roll.

"(21) If such corrections are made after the Collectors' Roll or rolls for the municipality for the year for which such assessment has been made have been prepared, the Clerk of the municipality shall alter or amend the Collectors' Roll or rolls to correspond with the changes made by such Court, Judge or Judges, and by inserting the proper rates therefor, and the rates or taxes shall be collectable in accordance with such corrected rolls in the same manner and with the like remedies as if the same had been in the rolls when first prepared and certified by the Clerk of the municipality."

Rev. Stat. c. 224, s. 74, subs. 3 amended.

9. Subsection 3 of section 74 of *The Assessment Act* is amended by adding at the end thereof the words "under either of the preceding subsections."

Rev. Stat. c. 224, s. 170 amended.

10. Section 170 of *The Assessment Act* is amended by inserting after the word "year" in the third line the words, "or so soon thereafter as the balance is ascertained."

Rev. Stat. c. 224, s. 184, subs. 3 amended.

Advertising municipality's intention to buy.

Terms of redeeming.

11. Subsection 3 of section 184 of *The Assessment Act* is amended by striking out the words "in writing" in the eighth line, and inserting in lieu thereof the words "by public advertisement in the local newspaper or in one of the local newspapers in which the original sale was advertised"; also by adding after the word "sale" in the fifteenth line thereof the following words, "and also the taxes including the local improvement rates and interest thereon which would have accrued against the property if it had remained the property of the former owner, and been liable for ordinary taxation; and if the value thereof is not shown upon the Assessment Roll, such taxes shall be computed at the rate fixed by by-law for each year for which such taxes are payable upon the value placed thereon upon the Assessment Roll for the last preceding year in which it was assessed; and the local improvement rates shall be computed at the rate fixed in the by-law by which the same were rated or imposed, and upon the frontage as shown upon the list of properties and the frontages thereof as settled by the Court of Revision for such local improvement."

Rev. Stat. c. 224, s. 224 amended.

12. Section 224 of *The Assessment Act* is amended by adding at the end thereof the following words:—

"Provided, however, that in cities and towns the performance of any such duty after the date or within a longer time than hereinbefore set out shall not render any proceeding under this Act invalid or illegal so long as the provisions of this Act are in other respects duly complied with.

## CHAPTER 22.

## An Act to amend The Municipal Drainage Act.

*Assented to 12th June, 1903.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 3 of *The Municipal Drainage Act* is amended by adding after the words "land surveyor" in the thirteenth line of said Section 3 the following words, "and the drainage viewers if any appointed as hereinafter provided." Rev. Stat., c. 226, s. 3, amended.

2. Subsections 3 and 4 of the said section 3, and sections 5, 6, 7, 8, 8a, 9, 10, 10a, 11, 12, 13, 14, 15 and 75 of the said Act are amended by adding after the words "engineer or surveyor," wherever they occur in the said sections, and the amendments thereto, the words "and the drainage viewers, if any," and wherever in the said sections words are used requiring the engineer or surveyor to do any act or to report upon any matter the said words shall be deemed to require such act or report to be done or made by the engineer or surveyor and the drainage viewers, if any appointed under this Act. Rev. Stat. c. 226, ss. 3, 5, 6, 7, 8, etc., amended.

3. The said Act is further amended by adding thereto the following section :—

3a. (1) The Council of any Municipality, at the first meeting of each year, may appoint two residents of said Municipality, to be called Drainage Viewers, whose duty it shall be to accompany the engineer in laying out any drainage work to be constructed under this Act, or the repair of any drainage work under section 75 of this Act, and to assist the said engineer or surveyor in making the assessment of the various properties to be assessed for the cost of the construction or repair of any drainage work to be constructed under this Act or to be repaired under the said section. Appointment of Drainage Viewers.

(2) In case the Drainage Viewers and Engineer or Surveyor do not agree as to any matter required to be done or reported upon by them, the joint act or report of one of the Drainage Viewers and the Engineer or Surveyor shall be a sufficient compliance with the provisions of this Act.

(3) Where Drainage Viewers are appointed they shall attend all Courts of Revision held for the purpose of trying complaints Attendance of at Court of Revision.



complaints arising upon the assessments made by the Engineer or Surveyor and the Drainage Viewers.

**Remuneration.** (4) Drainage Viewers appointed in any municipality under this Act shall each be entitled to the sum of \$2 a day and necessary travelling expenses, while actually engaged in the performance of the duties required of them under this Act, and the said fees and expenses shall be part of the cost of the work, and shall be payable in the same manner as the fees and expenses of the Engineer or Surveyor.

**Engineer or Surveyor to give detailed accounts of service, under oath.**

4.—(1) Any Engineer or Surveyor employed or appointed to perform any work under the provisions of the said Act shall send in his accounts to the said Municipalities for his services, under oath, giving detailed information as to the number of days occupied in superintending the drainage work, the number of days engaged in laying out the work, and the number of days engaged in the office making plans and preparing his report, also the number of days on which he was engaged in making assessments and inspecting the work, showing the number of hours occupied in each day; and the said account shall also set out whether said work was performed on the works or in the office, and whether the time so occupied was the time of the engineer himself, or that of a clerk or assistant.

(2) The said account upon the written request of the Municipal Council or of any person assessed, to be filed with the Clerk of the Municipality, shall be audited by the County Judge free of charge.

(3) The clerk shall deliver the account to the County Judge who shall appoint a time and place at which he will proceed with the audit.

(4) The clerk shall give at least two days notice of such audit to the engineer or surveyor and the head of the municipality as well as to any person requiring the audit.

(5) At the time and place named in such appointment the County Judge shall audit the account and may disallow any charges which he may deem unreasonable and shall certify thereon the amount to which in his opinion the engineer or surveyor is entitled and the amount disallowed shall not be recoverable by the engineer or surveyor.

**Rev. Stat., c. 226, s. 93, amended.**

**Give only Division Court costs in such cases.**

5. Subsection 1, of section 93, of the said Act as enacted by section 4 of the Act passed in the first year of His Majesty's reign, intituled *An Act to amend The Municipal Drainage Act*, is amended by adding at the end thereof the following words: "But where the amount awarded upon a claim for damages in connection with a drainage work does not exceed \$60, the costs allowed to the plaintiff shall be on the Division Court scale, so far as the same is applicable."

## CHAPTER 23.

## An Act to amend The Public Libraries Act.

*Assented to 22nd May, 1903.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 28 of *The Public Libraries Act* is amended by inserting after sub-section 1 of the said section the following words,—

Rev. Stat.  
c. 232, sec. 28  
amended.

In estimating the amount to which a Public Library is entitled under sub-section 1 of this section, only the amounts expended by the board of management in cash payments out of moneys received by way of grant or gift or as membership fees shall be included, and no public library shall be entitled to any grant under the said sub-section by reason of the expenditure of money borrowed by the board of management or by reason of payments made in promissory notes or in any other way than by cash only.

2. Sub-section 3 of section 28 of *The Public Libraries Act* is repealed.

Rev. Stat.  
c. 232, s. 28,  
subs. 3,  
repealed.

## CHAPTER 24.

## An Act to amend The Municipal Waterworks Act.

*Assented to 12th June, 1903.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Rev. stat., c.  
235, s. 36,  
amended.

**1.** Section 36 of *The Municipal Waterworks Act* is amended by inserting in the first line thereof, after the word "constructed" the words "or purchased."

Rev. Stat.  
c. 235, s. 37,  
amended.

**2.** Section 37 of *The Municipal Waterworks Act* is amended by adding after the word "issued" in the second line the words "for the purchase money of waterworks heretofore or hereafter acquired or".

Rev. stat., c.  
235, s. 38,  
amended.

**3.** Section 38 of the said Act is amended by inserting in the first line thereof, after the word "construction" the words "or purchase."

Rev. stat., c.  
235, s. 40, sub-  
sec. 1,  
amended.

**4.** Subsection 1 of section 40 of the said Act is amended by inserting after the word "completion" in the sixth line thereof the words "or purchase."

Rev. stat., c.  
235, s. 41,  
amended.

**5.** Section 41 of the said Act is amended by inserting after sub-section 1 the following sub-sections :—

Council by  
by-law may  
nominate first  
commissioners  
for approval of  
electors or  
provide for  
nomination  
and election  
of, etc.

(1a) The Council may by the by-law providing for the election of commissioners nominate and appoint subject to the approval of the electors, the first commissioners other than the Head of the Council, or by the same by-law provide for their election by appointing the time and place for nominations for such offices, and then holding simultaneously the polling (if a poll be needed) for the elections thereto, and for obtaining the said assent of the electors, and providing generally for the due holding of the said elections in manner similar to other municipal elections for like or similar purposes respectively, as near as may be; and in the event of the said assent of the electors being thus obtained, the commissioners chosen at such elections



elections shall be with the Head of the Council, the commissioners to fill the offices aforesaid until their successors are elected at the next ensuing annual municipal election, or a vacancy occurs, when it will be filled in manner in subsection 1 hereof set forth.

- (1b) In case the Council of any municipality prior to the passing of this Act has by by-law provided for the appointment by the Council of the first commissioners other than the head of the Council and for the election of commissioners thereafter by the ratepayers as provided by section 41 of *The Municipal Waterworks Act* as amended by this Act, the appointment of such first commissioners shall be and shall be deemed to have been legal and valid, and the commissioners so appointed with the head of the Council shall possess all the powers and shall perform all the duties of commissioners duly elected under the provisions of *The Municipal Act* but at the next annual municipal election held after the passing of this Act and thereafter the waterworks commissioners for such municipality other than the head of the Council shall be elected in the manner provided by *The Municipal Waterworks Act*.

6. Section 44 of the said Act is amended by inserting after the word "constuction" in the first line thereof, the words "or management." Rev. stat., c. 235, s. 44, amended.

7. Section 48 of the said Act is amended by inserting after the word "constructed" in the second line thereof the words "or purchased." Rev. stat., c. 245, s. 48, amended.

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## CHAPTER 25.

An Act to provide for the Construction of Municipal Power Works and the Transmission, Distribution and Supply of Electrical and other Power and Energy.

*Assented to 12th June, 1903.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Municipal  
works for  
development  
and  
transmission  
of power.

1. It shall be lawful for any municipal corporation, or for any two or more municipal corporations jointly, on such terms and conditions as may be mutually agreed upon between them, and under and subject to the terms and conditions hereinafter set forth, by and through the agency of commissioners and their successors to be appointed as hereinafter also provided, to secure the acquisition, construction, maintenance and operation of all necessary works, plant, machinery and appliances for the development, generation, transmission, transformation, distribution and supply of electrical and other power and energy, including heat and light for their own corporate use as well as for general public uses and purposes, and for the use of such persons firms and corporations as may desire the same.

Appointment  
of commis-  
sioners  
to report on  
scheme.

2. The council of any municipal corporation may, or the councils of any two or more municipal corporations, upon such terms and conditions as may be mutually agreed upon between them, may, in order to determine the feasibility and desirability of securing the establishment and operation of such municipal power heat and light works, appoint a commission, consisting of one electrical engineer eminent in his profession and of good repute, and not less than two nor more than four other persons, who shall be business or professional men of good repute.

Report of  
commissioners  
upon:—

3. The said commissioners, when appointed, shall, with as little delay as possible, proceed to ascertain and determine the feasibility of acquiring constructing and operating the proposed works, and supplying the municipality or municipalities interested with electrical or other power or energy for all purposes for which the same can be used, including heating and lighting, having regard to all the circumstances of the

the case, and especially the present cost of producing and supplying such power in the municipality or in each of such municipalities by the use of coal or other fuel for the production of steam power, and the probable demand for such electrical or other power in the municipality or in each of such municipalities, and the said commissioners shall specially report to the corporation or corporations appointing them upon the following matters, namely :

(1) The<sup>e</sup> probable cost of the proposed works, completed and in full working order, including the cost of all lands and land covered with water, water powers and privileges required to be acquired or taken ; Cost of work.

(2) The probable annual cost of working expenses of the proposed works, including all expenses of maintenance of the works and of the buildings, plant, machinery and conveniences belonging thereto, renewals, repairs, improvements, rents of property, rates, taxes, insurance, compensation for accidents, salaries and wages, office and management expenses, and all other charges which will be incurred, and also the amount which will be required to be provided annually or half-yearly to meet the interest and sinking fund (or instalments) upon the debenture debt so as to extinguish the whole of said debt at the end of forty years, where electrical or other power or energy is developed and produced, and in all other cases at the end of twenty years from the date of the completion of the said works. Working expenses and maintenance.  
  
Productive capacity of works.  
  
Estimate of demand for power.

(3) The average daily productive working capacity of the proposed works reckoned in horse-power per diem of twenty-four hours and its equivalent of electrical power or energy. Cost to consumers.

(4) The probable demand or requirement (reckoned in like manner) for electrical power or energy for and in each of the municipalities interested, for public and private uses when the works shall have been completed, and the prospects of an increasing demand thereafter.

(5) The rate or charge per annum per horse-power, or its equivalent of electrical power or energy for a day of twenty-four hours and also for a day of ten hours, which it will be necessary to charge to the takers and users of such power, based upon the estimated probable demand and having regard to the position and conditions existing in the municipality or municipalities interested at the time of making the estimate, to make the proposed work self-sustaining and protect the municipality or municipalities against any liability therefor.

(6) The amount of power used, both steam power and electrical power, within the limits of the municipality or municipalities interested at the time of making the estimate, such power to be reckoned in horse-power and its equivalent of electrical power as above for a day of twenty-four hours and also for a day of ten hours. Amount of power in use.



Proportion of contribution by municipalities.

(7) When there is more than one municipality interested in the proposed works, the proportion in which each of the said municipalities should contribute to or become liable for the cost of the proposed works to secure their acquisition, construction and subsequent operation and maintenance.

Desirability of undertaking.

(8) Whether in their opinion, having regard to all the circumstances and conditions affecting the question, it is desirable and in the interests of the municipality or municipalities as the case may be, or of any of them, to undertake the proposed works under the provisions of this Act, and whether they can reasonably be expected to become self-sustaining so as to impose no charge upon the corporation or corporations within a reasonable time, and if so within what number of years.

Time for completion.

(9) The probable length of time which will be required for the completion of the proposed works.

Charges payable before completion.

(10) The probable amount of interest and sinking fund which will accrue due and become payable during the time occupied in the construction of the proposed works and until they become revenue producing.

Report by commissioners upon extension of existing works to other municipalities.

4. In the case of any municipal corporation or corporations having already acquired or constructed power works, and it being considered desirable that they should enlarge, extend and improve the same or that they should join with other municipal corporations for the purpose of enlarging, extending and improving said works, it shall be lawful for the councils of the municipalities interested to appoint commissioners under the provisions of the preceding section 2 of this Act, for the purpose of determining the feasibility and desirability of making such extensions and improvements; and in such case the commissioners shall ascertain and determine the then value of the existing works for the purposes of such extensions and improvements, together with the several other matters and things mentioned in subsections (1) to (10), both inclusive of section 3 of this Act; and in the event of it being determined to extend and improve any such existing works the same may be done under the provisions of this Act upon such terms and conditions as may be agreed upon between the municipal corporations interested.

Employment of necessary assistance by commissioners.

5. For the purpose of enabling them to make such investigation and report, the commissioners shall have power to employ a secretary and such other assistance, professional and otherwise, and to incur such necessary and proper expenses as they may deem fit, to be paid as next hereinafter provided.

Costs of commissioners.

6. The said commissioners shall be paid by the corporation or corporations appointing them all the costs, charges and expenses incurred by them in the discharge of their duties under the

the provisions of this Act, including the salary of a secretary and other charges and expenses mentioned in the preceding section, and also such remuneration for their time and services as may be agreed upon between them and the said corporation or corporations.

7. In the case of two or more corporations joining in the appointment of commissioners for the purposes aforesaid all the said costs, charges and expenses incurred by the commissioners, including as well their remuneration for time and services and all incidental and other expenses which may be incurred in connection with the obtaining, printing and distribution of the report of the commissioners, shall be divided between them and paid by the said corporations in the proportions in which the said commissioners shall report that they should become respectively liable for and in respect of the acquisition and construction of the proposed works.

Contribution by municipalities to costs of commissioners.

8. It shall be lawful for any corporation interested to appropriate and apply any moneys belonging to it, not specifically appropriated for other purposes, to the payment of any liability incurred under the foregoing provisions of this Act, and also in the taking of the votes of the electors next hereinafter provided for; and the council of any such corporation may include all such expenses in the rate of taxation for the year, or the rate which may be struck and imposed next after the incurring of such costs, charges and expenses, and where no moneys are available may raise the same by way of temporary loan in anticipation of the collection of such taxes and without the assent of the electors to the by-law therefor.

Costs of commissioners how to be paid.

9. After the receipt of the said report of the commissioners the council of the municipality or municipalities, as the case may be, shall duly consider the same, and in the event of their or any of them being favorable to the undertaking, acquiring, constructing and operating the proposed works by and through the agency of commissioners under the provisions of this Act as hereinafter provided, the said council or councils, as the case may be, may cause the same to be duly published for the information of the ratepayers, and shall also by by-law submit the question of undertaking the acquisition, construction and operation of the proposed works at the estimated cost or at a cost not exceeding ten per cent. greater than the estimated cost, as in the case of a by-law creating a debt, to the vote of the duly qualified electors under the provisions of *The Municipal Act* and amending Acts in that behalf.

Consideration and publication of report.

Submitting by-law to electors.

Rev. Stat. c. 223.

10. (1) In the event of a majority of the said electors who shall poll their votes on the submission of the said question in any municipality or municipalities voting in favor of the undertaking of the said works, the council or councils

Procedure in case by-law adopted.

Further by-laws not to require assent of electors.

Rev. Stat. c. 223.

Where electors in one or more municipalities disapprove.

councils thereof, as the case may be, shall proceed without delay as hereinafter provided, and procure the appointment to be made of a board of commissioners under the provisions of section 12 hereof, and no by-law or by-laws for raising the amount authorized by the vote of the ratepayers by way of any loan or loans from time to time, by the issue and sale or other disposition of debentures for any of the purposes aforesaid, shall require to be submitted to the vote of the electors for approval before the final passing thereof, anything in *The Municipal Act* or any special or private Act to the contrary notwithstanding,

(2) If when two or more municipal corporations shall have taken joint action under the foregoing sections of this Act it shall appear after the vote of the electors shall have been taken that the electors in one or more of the municipalities shall not have approved of the undertaking of the proposed works at the estimated cost under the provisions of this Act, it shall, notwithstanding any such adverse vote, be lawful for the remaining municipal corporations, or any one or more of them, to proceed with the appointment of the commissioners as hereinafter provided and the securing of the acquisition, construction and operation of the proposed works, adapting the same to their own requirements and the requirements of the inhabitants of their municipality or municipalities, as the case may be, providing it is shown to the satisfaction of the Chief Justice of Ontario for the time being that the acquisition and construction of the works so modified and adapted as aforesaid shall not have the effect of increasing the liability for the cost of the necessary works more than ten per cent. beyond the amount assented to and approved of by the electors of the municipality or municipalities desiring to proceed with the proposed works so modified and adapted as aforesaid; and in such case it shall be lawful for the council or councils of the said municipality or municipalities to issue debentures for such further amount or amounts as may be required and shown by the certificate of the said Chief Justice of Ontario; and no by-law or by-laws passed for this purpose shall require the assent of the electors before the final passing thereof, and the certificate of the said Chief Justice of compliance with the provisions of this section shall be final and conclusive as to the facts stated therein.

Municipalities not to exceed legal limit of rates or indebtedness.

11. Nothing herein contained shall authorize the council of any municipal corporation to impose, levy or collect a higher rate of taxation in any year than that fixed by *The Municipal Act* or by any special or private Act relating to such municipality, or to increase its debenture debt beyond the amount fixed by any such Act.

Board of commissioners to

12. The commissioners mentioned in section 10 hereof and to be appointed as provided in the following sub-section.

(2),



(2) shall not be less than three nor more than five persons, who shall constitute a Board of Commissioners for the purposes of the proposed works to be constructed under the provisions of this Act, and the said Board of Commissioners shall be a body corporate under the name of "The Power Commissioners" hereinafter referred to as the commissioners, and shall have a corporate seal. A majority of the persons so to be appointed shall form a quorum for the transaction of any business of the commission. construct and operate works.

(2) The said commissioners shall be appointed by the Chief Justice of Ontario for the time being on the application and nomination of the corporation or corporations interested, as the case may be, and the said Chief Justice shall also determine the number of commissioners to be appointed (within the limits aforesaid), the corporate name by which the said commissioners shall be known, and fix and determine the annual honorarium or other remuneration, which shall be allowed and paid to the said commissioners and to each of them; but before making any such appointment the said Chief Justice shall require proof that the provisions of sections 2 to 10, both inclusive, of this Act, shall have been duly complied with by the corporation or corporations, as the case may be; and his certificate of such compliance shall be final and conclusive as to the facts stated therein. Provided that when only one municipality is interested in the proposed works, the council of the said municipality may determine the number of commissioners (within the limits aforesaid.) Mode of appointment.

(3) The commissioners shall hold their respective offices as members of the commission during the pleasure of the said Chief Justice of Ontario, who may, upon the death of any such persons respectively, or on their resignation or removal from office, and from time to time thereafter as occasion may require, on the application of the corporation or corporations, as the case may be, appoint other persons to fill their places during pleasure as aforesaid. Provided that any commissioner may be removed from office at any time by the said Chief Justice upon the application of the council of the municipality, or of the councils of the majority of the municipalities interested. Tenure of office, vacancies how filled.

(4) Each commissioner shall receive his actual disbursements in discharging his duties, and an honorarium at such rate per annum as may from time to time be determined and fixed by the said Chief Justice of Ontario as above provided. Remuneration and expenses.

(5) No member of any municipal corporation interested in the proposed works, or officer of any such corporation, shall be eligible for appointment or to act as commissioner in respect of such works. Councillors and officers of municipalities disqualified.

(6) No member of any such commission nor any officer or any employee thereof, and no member of any municipal corporation Who may not contract with commission.

poration interested in the proposed works, nor any officer or any employee thereof, shall have any contract with the commission, nor shall he be pecuniarily interested, directly or indirectly, in any contract or work in regard to which any portion of the moneys under the control of the commission is being or is to be expended; and any person acting in contravention of this provision shall incur a penalty of one hundred dollars for each offence, to be collected by the informant in any Court of competent jurisdiction with costs of action; one half of said sum to be paid to the informant and the remaining half to be paid to the commission for power works purposes

Appointment  
of commission  
by council.

(12a) In any case where the proposed undertaking is limited to contracting for and purchasing from any person or corporation producing and transmitting the same such supply of electrical power and energy, delivered in bulk within the limits of the municipality or municipalities respectively, as may be required for public and private uses in such municipality or municipalities, and to receiving, transforming and distributing and supplying the same to the municipality or municipalities and to persons and corporations desiring to take and use the same, the council of the municipal corporation or the councils of the municipal corporations, as the case may be, may themselves appoint the commissioners to acquire, construct and maintain the necessary works and manage the said undertaking in lieu of procuring them to be appointed by the Chief Justice of Ontario, as above provided; and the commissioners so appointed shall hold office during the pleasure of the said council or councils, who shall fix and determine the annual honorarium or other remuneration which shall be allowed and paid to the said commissioners and to each of them; but in all other respects, except as next hereinafter provided, the provisions of this Act shall apply to the said commissioners and they shall have and enjoy all the powers, rights and privileges and be subject to the same restrictions, limitations and duties as if they had been appointed by the said Chief Justice of Ontario, under the provisions of this Act in that behalf; Provided that, in any case where a commission shall have been appointed by any municipal council under this section, the Judge of the County Court of the county of which the municipality interested forms a part for judicial purposes shall discharge all the duties, have all the powers and enjoy all the rights conferred upon the Chief Justice of Ontario by sections 10, 21, 23, 24, 36, 42, 49 and 57 of this Act as if he had been expressly named therein; and when two or more municipal corporations situated in different counties have joined in appointing any such commission the Judge shall be the County Court Judge of the county of which the municipality interested having the largest population forms part for judicial purposes.

When County  
Court Judge  
to act.

**13.** The head office of the commission shall be at such place in Ontario as shall from time to time be determined by by-law of the commission. Head office of commission.

**14.** The commission shall (subject as hereinafter provided) have authority and power for the following purposes, namely:— Powers of commission.

(1) To acquire any power works already constructed or in process of construction and all property, rights and franchises connected therewith, and to extend, improve and enlarge the same as may be required for their purposes. Acquiring works.

(2) To acquire lands, or lands covered with water, water powers, rights and privileges and erect, use and manage works, machinery and plant for the generation, transmission and distribution of electrical and other power and energy. Lands and water powers.

(3) To acquire and utilize water and steam power for the purpose of compressing air or generating electricity, and to sell, dispose of and distribute the same either as water power or other power, or by converting the same into electricity or other form for any purpose for which electrical or other power can be used. Acquiring and using water and steam power.

(4) To supply hydraulic, electric or other power by means of cables, machinery and other appliances, and at such rates and upon such conditions as may be agreed upon; and also, in lieu of developing, producing and transmitting power, to contract with and purchase from any other persons or corporations producing electrical or other power or energy, such supply thereof, delivered in bulk to any place or places as may be required for public and private uses in such municipality or municipalities; and to receive, transform, transmit, distribute and supply such power or energy in any form and for any purpose for which the same can be used, to the municipality or municipalities and to persons and corporations desiring to take and use the same. Provided that before making any contract for a supply of power or energy the commissioners shall call for tenders from all persons and corporations in position to supply the required power or energy, and no contract shall be made extending beyond a period of five years from the date of the same taking effect; but the commissioners shall not be obliged to accept the lowest or any tender. Supplying power.

(5) To acquire, construct, maintain and operate works for the development, production, transmission, transformation, sale and distribution of electricity and power for any purpose for which such electricity or power can be used, including heat and light, and to construct, maintain and operate lines of wire, poles, tunnels, conduits and other works in the manner and to the extent required for the corporate purposes of the commission, and to conduct, store, sell and supply electricity and other power and with such lines of wire Works for development and supply of electrical power, etc.



wire, poles, conduits, motors or other conductors or devices, to conduct,\* convey, furnish or receive such electricity to or from any person at any place through, over, along, across any public highway, bridges, viaducts, railways, water courses, or over or under any waters, and to enter upon any lands on either side of such lines or conduits, and fell or remove any trees or bushes thereon, or other obstructions necessary in the opinion of the engineer of the commission to guard the safety of such lines or conduits, and the commission may enter upon any private property and survey, set off and take such parts thereof as are necessary for such works and for such lines of wire, poles or conduits, and in case of a disagreement between the commission and any owner and occupier of lands which the commissioners may take for any of the purposes aforesaid, or in respect of any damages done thereto by constructing the said lines, poles or conduits upon the same the provisions of *The Railway Act of Ontario* hereinafter incorporated shall apply.

Rev. Stat.  
c. 207.

Means of  
transmission.

(6) To erect poles, construct trenches or conduits and do all other things necessary for the transmission of power, heat, or light as fully and effectually as the circumstances of the case may require, provided the same are so constructed as not to incommode the public use of the streets, highways or public places or to impede the access to any house or other building erected in the vicinity thereof or to interrupt the navigation of any waters; and the commission shall be responsible for all the damage which it causes in carrying out or maintaining any of its said works.

Constructing  
works in  
sections.

(7) To make the surveys and levels of the lands, through, or under which the said works are to pass or to be operated, together with the map or plan thereof and of the course and direction of the said works and of the lands intended to be passed through, or under so far as then ascertained and also the book of reference for the work, and deposit the same as required by *The Railway Act of Ontario* with respect to plans and surveys by sections or portions less than the whole length of the said works, and of such length as the commissioners from time to time see fit; and upon such deposit as aforesaid of the map or plan and book of reference of any and each of such sections or portions of the said works, all the sections of *The Railway Act of Ontario* applicable thereto shall apply to each of such sections as fully and as effectually as if the said surveys and levels had been taken and made of the lands through or under which the whole of the said works are or were to pass, together with the map or plan of the whole thereof and of their whole course and direction, and as fully as if the book of reference for the whole of said works had been taken, made and examined, certified and deposited according to the said sections of *The Railway Act of Ontario*.

Telephone  
and telegraph  
lines.

(8) To construct and operate a telephone line and telegraph line

line in connection with and for the purposes only of such works and business.

**15.** It shall be the duty of the commissioners to examine, consider and decide upon all matters relative to providing the municipality or municipalities, at whose instance or by whom they shall have been appointed, and the inhabitants thereof, by the means contemplated by this Act, with a sufficient supply of electrical or other power for the corporate uses and purposes of the municipality or municipalities, as the case may be, and also for general uses and purposes of the inhabitants thereof; and also to acquire, provide, build and construct the necessary power and other works, buildings, plant, machinery and other appliances requisite therefor.

Duties as to  
supplying  
municipalities  
interested.

**16.** The commissioners shall have power to employ and appoint engineers, surveyors, officers and other persons and to rent or purchase such lands and purchase or erect such buildings for office and other purposes, as in their opinion may be necessary to enable them to fulfil their duties under the provisions of this Act.

Appointing  
necessary  
officers and  
servants.

**17.** The said commissioners shall have power from time to time to make and enforce all necessary by-laws, rules and regulations for the general maintenance and management and the conduct of the said power and other works, officers and others employed by them, not inconsistent with this Act; for regulating and fixing the prices, rents and rates to be charged for the use of power, heat and light supplied by them to the takers and users thereof, and the times when, and the places where the same shall be payable; also for allowing a discount for prepayment, and in case of default for cutting off the supply of such power.

By-laws, etc  
of Board.

Provided that such prices, rents or rates shall be uniform at a fixed rate per horse power or other recognized standard of measurement to all takers or users of like quantities delivered or supplied under similar conditions in any one municipality; and that, when two or more municipalities are interested in and join in any such undertaking, such prices, rents or rates in any one of such municipalities shall not exceed the prices, rents or rates in any other of such municipalities by a greater amount than is necessary to provide for any additional cost of transmission.

**18.** If any person or corporation supplied with power by the said commission shall neglect to pay any rent or rate due to them at any of the times of payment thereof it shall be lawful for the commission or any person acting under their authority to stop the power from entering the premises of such person, by cutting off the connection therewith or by such other means as the commission shall see fit; and the said commission

Collecting  
rents for  
power.

mission may recover the rent or rate due from such person, together with the expenses of cutting off the power, by distress as for rent or taxes in arrear; and for such purposes the said commission and their collectors shall have all the powers of a municipal corporation and its officers, under the provisions of *The Assessment Act* respecting the collection of taxes in arrear and unpaid, or they may recover the same with such expenses and cost aforesaid in any court of competent jurisdiction in this Province.

Rev. Stat.  
c. 224.

Fences and  
gates along  
line of trans-  
mission.

Rev. Stat.  
c. 267.

**19.** The commissioners shall erect and maintain on each side of the land purchased or expropriated by them for their purposes in connection with said works fences, and gates, as fully as required by *The Railway Act of Ontario*, and for this purpose section 30 of the said Railway Act shall apply so far as practicable.

Works within  
limits of  
Niagara Falls  
Park.

**20.** None of the works hereby authorized shall be constructed, or the powers given by this Act exercised within the present limits of The Queen Victoria Niagara Falls Park or any future extension of said limits except with the consent of the commissioners of the said park.

Supplying  
surplus power  
to persons and  
corporations  
on line of  
supply.

**21.** The said commission shall, after supplying to the municipal corporation or corporations, as the case may be, who have become liable for and are interested in such works, and to the ratepayers of such municipality or municipalities such power as may be required for corporate uses and purposes and all other uses, supply electric and other power to the extent of the productive capacity of their works by means of cables, machinery and other devices and appliances to all persons, corporations and municipalities desiring the same along the line of its works or within reasonable distance thereof and at such rates and upon such conditions as may be agreed upon, or in default of agreement upon such terms as may be ordered by the Chief Justice of Ontario.

Rates to con-  
sumers, how  
to be fixed.

**22.** In determining and fixing the rate or price to be charged to the takers and users thereof for electrical or other power, the said commissioners shall make all due allowances for operating expenses and the maintenance, repair, renewal and improvement of the said works, the payment of the interest and sinking fund, or the instalments of the debenture debt, and all other proper charges and allowances to the end that the said works shall be self-sustaining and the operation and maintenance thereof shall not impose any ultimate liability or charge upon the municipal corporation or corporations interested therein. Provided always that in case in any year the amount of revenue from the said works shall prove insufficient to meet the payments falling due for principal or interest on debentures issued therefor the deficiency shall be made good as soon as possible thereafter.

Proviso.



**23.** The Chief Justice of Ontario shall, upon the application of the commissioners or of any person, corporation or municipality, have power to make an order in lieu of an agreement under the preceding section 21 hereof, which shall be binding upon the parties, and may determine to whom and at what prices and within what distances such power shall be supplied under the provisions of this Act.

Order of Chief Justice in lieu of agreement as to dues under sec. 21.

**24.** In case of any dispute or difference of opinion arising at any time and from time to time between the commissioners and the municipal corporation or corporations interested, as the case may be, or between the commissioners and any other persons, corporations or municipalities as to the powers, rights and duties of the said commissioners or of any other persons, corporations or municipalities under this Act, or any agreement which may be made by or with the said commissioners within the scope of their powers under the provisions of this Act, the same shall be determined on summary application by either party to such dispute after two clear days' notice to the other party by the Chief Justice of Ontario, who may as arbitrator determine the same with the powers as to costs and otherwise of arbitrators under *The Municipal Act*, and his decision shall be final.

Settling disputes as between Board and municipalities or consumers, etc.

Rev. Stat. c. 223.

**25.** All materials procured or partially procured under contract with the commissioners and upon which the said commissioners shall have made advances in accordance with such contracts, shall be exempt from execution.

Exemption of materials from execution.

**26.** All property, real and personal, and all rights, privileges and franchises vested in said commissioners shall from henceforth be exempt from taxation.

Exemption of works from taxation.

**27.** If any person shall wilfully or maliciously hinder or interrupt, or cause or procure to be hindered or interrupted, the said commissioners or their managers, contractors, servants, agents or workmen, or any of them in the exercise of any of the powers or authorities in this Act authorized and contained, or commit any wilful damage or injury to the said works or any part thereof or encourage the same to be done, every person offending in any of the cases aforesaid shall, on conviction thereof before any justice of the peace having jurisdiction in the locality wherein the offence shall be committed, forfeit and pay for every such offence the sum of twenty dollars, together with the costs of conviction, one-half to be applied to the use of the commissioners for power purposes and the other half to the person who shall lay the information; and in case the parties suing for the same shall be the commissioners themselves or any of their servants, officers or workmen, then the whole of said penalty shall be applied to the uses of the commission for power purposes; and such justice may also, in his discretion, further condemn such person to

Penalty for interference with works.

to be confined in the common gaol of the county in which the offence is committed for a space of time not exceeding one calendar month, as to such justice may seem meet, and any person so offending shall be liable to an action at the suit of the commissioners to make good any damage done by him.

Making un-authorized connections with works.

28. If any person shall cause any connection to be made with any of the wires or other appliances or works of the said commission, or in any way obtain or use any power, heat or light from the same without the consent of the commissioners, he shall forfeit and pay to the commissioners for power purposes the sum of one hundred dollars, to be collected by action as aforesaid.

Limitation of actions.

29. If any action shall be brought against any person for anything done in pursuance of this Act the same shall be brought within six calendar months next after the act is committed, or in case there shall be a continuation of damages, then within one year after the original cause of action arising.

Protection of Board in performance of duties.

30. (1) The commissioners and their officers shall have the like protection in the exercise of their respective offices and in the execution of their duties as justices of the peace now have under the laws of this Province. The watchmen and other officers of the said commission, when in the discharge of their duty, shall be ex-officio possessed of all the powers and authority of officers of the peace.

Non-liability for unavoidable accidents.

(2) The said commission shall not be liable for damages caused by the breaking of any pole, wire, conduit, attachment or other appliances used in the distribution and supply of such electrical or other power, or for failure to supply such power to any taker or user when such failure has been caused by unavoidable accident or circumstances beyond the control of the commissioners.

Oath of members of Board and clerks.

31. The said commissioners and the clerks employed by them in their revenue shall, before entering upon their office or the discharge of their duties, be sworn before a justice of the peace to the faithful performance of their duties, and they shall keep a book for the purpose of recording the whole of their official proceedings, which said book shall be open at all times to the duly authorized officers and agents of the municipal corporation or corporations upon whose application or by whom the commissioners shall have been appointed.

Grants of land to commission.

32. It shall be lawful for any municipality interested in securing the construction of the proposed works to grant by way of gift to the said commission any lands belonging to such municipality which may be required for the purposes of the said works; and the said commission shall have power to accept

accept gifts of land or of any rights or privileges from any government or municipality or any person or any body corporate or politic for the uses and purposes of the said works.

**33.** Conveyances of land to the commission for the purpose of and the powers given by this Act made in the form set forth in Schedule "A" hereto or to the like effect shall be sufficient conveyance to the commission, their successors and assigns of the estate or interest therein mentioned and sufficient bar of dower respectively of all persons executing the same; and such conveyances shall be registered in such manner and upon such proof of execution as is required under the registry laws of Ontario, and no registrar shall be entitled to demand more than one dollar for registering the same, including all entries and certificates thereof and certificates endorsed on the duplicates thereof.

Form of conveyances of land to commission

**34.** For the purpose of securing the proper custody and control of the debentures to be issued by the municipal corporation or corporations and the bonds issued by the commissioners, and the due and proper application of the moneys derived from the sale and other disposition of the said debentures and bonds, and from other sources, the payment of the interest on the said debentures and bonds, the management and investment of the sinking and renewal funds, the payment of the debentures and bonds at maturity and such other purposes as may be deemed advisable for the proper management of the finances of the commission, and the protection of the interests of the said municipal corporation or corporations, some responsible trust corporation or company hereinafter to be called the "trustee" shall be duly appointed a trustee as next hereinafter provided.

Trustee for debentures and funds.

**35.** So soon as the said commissioners shall have been duly appointed and constituted as a commission for the purposes of this Act it shall be lawful for them and the head and treasurer of the corporation or corporations, as the case may be, on whose application or by whom the commissioners shall have been appointed, in the name or names of the corporation or corporations, and on their behalf, to make and enter into all such agreements, not inconsistent with the provisions of this Act, as to the time and manner of issuing debentures and bonds and raising money by way of loan or loans, the sale or other disposition of the said debentures and bonds, the appointment of the above mentioned trust corporation or company to act as trustee for the purposes mentioned in this Act, and the remuneration or commission to be allowed to such trust corporation or company, acting as such trustee, the selection of a bank or banks, the method of keeping the accounts, the investment of sinking fund moneys and renewal fund moneys, and generally for all such other purposes as may be found desirable and necessary for the proper conduct of the financial affairs of the commission

Agreements with trustee



sion and the protection of the interests of the corporation or corporations interested, as the case may be.

(2) The said trustee shall become a party to the said agreement and shall execute the same and be governed by the provisions thereof and of this Act in all matters relating to said works and the accounts thereof.

Accounts of trustee.

**36.** The trust corporation or company to be appointed by agreement as aforesaid shall act as trustee for all parties concerned and shall keep at least four accounts as follows :—

“Construction account.”

(1) The “construction account,” to the credit of which shall be placed all moneys arising from the sale or other disposition of the debentures which may be issued by the municipal corporation or corporations, and from the sale or other disposition of the special preference bonds (if any) which may be issued by the commissioners, with the approval of the Chief Justice of Ontario, for the completion, extension or improvement of the works as hereinafter provided.

“Interest account.”

(2) The “interest account,” to the credit of which shall be placed all moneys which shall be paid by the commissioners to the trustee, to pay the interest on the bonds which may be issued by the commissioners.

“Sinking fund account.”

(3) The “sinking fund account,” to the credit of which shall be placed all moneys which shall be paid by the commissioners to the trustee and the interest accruing from the investment thereof, to provide for the payment of the bonds issued by the commissioners as the same shall mature.

“General account.”

(4) The “general account,” to the credit of which shall be placed all other moneys which shall be paid to the trustee by the commissioners from time to time under the provisions of this Act and any interest which may be derived from the investment of any such moneys.

Application of funds placed to “general account.”

(5) The moneys placed to the credit of the said “general account,” shall be held subject to the order of the commissioners for extensions, renewals, improvements and other like purposes, to be paid out to them upon the certificate of their chief engineer, whose certificate shall state the special purpose for which the money is required, giving the amount of the contract or a detailed estimate of the cost of the works or improvements.

Payment of charges until works become revenue producing.

**37.** It shall be lawful for the commissioners and the trustee, until the completion of the works and until the same become revenue producing, to pay all interest and sinking fund moneys or instalments, including principal and interest which may accrue due and become payable upon or in respect of the municipal debentures, out of the proceeds of the sale or other disposition of the municipal debentures so to be issued as herein provided, or of the “special” bonds to be issued as hereinafter provided for, and charge the same to the construction fund as part of the cost of the works.

**38.** When, by their vote to be taken as aforesaid, the electors of any municipality shall have approved of the acquisition and construction of works under the provisions of this Act and it shall have been agreed between the commissioners and the officers of the corporation in form and manner provided by section 35 of this Act, the council of the municipality shall within one month after demand by the commissioners and from time to time and as occasion may require, pass all by-laws necessary to provide for the issue of debentures to the amount authorized by the vote of the electors to be taken as aforesaid and, if required, to an additional amount not exceeding ten per cent. beyond the amount so authorized so as to enable the said officers to carry out their agreement with the commissioners; and such by-laws may provide for the payment of such debentures at maturity by means of a sinking fund or by annual payments, including both interest and a part of the principal as provided in *The Municipal Act*; all debentures so to be issued shall be made payable within a period not exceeding twenty or forty years from the date of issue thereof, according to the provisions of subsection 2 of section 3 of this Act, and otherwise conform to the requirements of *The Municipal Act*. No such by-law shall require the assent of the electors before the final passing thereof.

By-laws for  
issue of  
necessary  
debentures.

Rev. Stat.  
c. 223.

**39.** So soon as the by-law or by-laws mentioned in the preceding section shall have been passed, and from time to time as occasion requires, the head and the treasurer of the municipality shall cause the debentures thereby authorized to be duly prepared, signed and issued under the corporate seal and delivered to the trustee as aforesaid.

Issue and  
delivery of  
debentures to  
trustees.

**40.** The municipal debentures so to be issued and delivered as aforesaid shall be received, held and disposed of by the trustee, in the manner to be provided in the agreement appointing the trustee, and the moneys derived from the sale or other disposition thereof, placed to the credit of the "construction account," as provided in subsection 1 of section 36 of this Act, and paid out to the commission as provided in section 43, hereof.

Trusts of  
proceeds of  
debentures.

**41.—(1)** For the purposes and objects intended to be secured by this Act, the commissioners shall issue bonds from time to time as occasion may require, to an amount equal to the amount of the proceeds of the municipal debentures mentioned in the next preceding section.

Issue of bonds  
by Board of  
Commission-  
ers.

**(2)** The said bonds shall be under the corporate seal of the commission, and the names of at least two of the commissioners countersigned by the treasurer thereof, and shall be for such amounts payable at not more than twenty or forty years

Form of  
bonds—  
Amount and  
rate of  
interest.

from

from the date of issue, according to the provisions of subsection 2 of section 3 of this Act, and at such rate of interest not higher than five per cent. per annum as may be found expedient; and the said debentures shall be deposited with the said trustee to be held on such terms and conditions as may be contained in the said agreement appointing the trustee, subject to the provisions of this Act.

Bonds to be a  
lien on works.

(3) The said bonds to be issued by the commissioners shall equally and without preference of one over the other be a lien and charge on all lands, buildings, works, machinery, plant, property, rights, privileges, franchises and other assets which may be acquired by and belong to the commissioners; but this lien and charge shall not be so construed as to prevent the commissioners from selling or otherwise disposing of any machinery, plant or other property for which they have no longer any use in connection with or for the purposes of the said works.

Trusts upon  
which bonds  
to be held by  
trustee.

(4) The said bonds shall be received and held by the trustee upon trust to collect and receive from the commissioners the half yearly payments of interest and sinking fund moneys, or the instalments covering interest and part of the principal moneys, as the case may be, as the same shall become due and payable upon or in respect thereof, and place the same to the credit of the proper accounts as provided in subsections (2) and (3) of section 36 of this Act; and thereafter the said trustee shall pay over out of the said moneys to the municipal corporations or to each of the municipal corporations which shall have issued debentures to secure the construction of the said works from time to time as the same shall become due and payable a sufficient sum or amount of money to meet the payments of the interest and sinking fund moneys or the instalments covering interest and part of the principal moneys, as the case may be, in respect of such municipal debentures, and charge the same to the proper account.

Deficiency in  
receipts to  
pay principal  
or interest of  
municipal de-  
bentures.

(5) If at any time or times the trustee shall not have on hand sufficient money available to meet the whole amount of interest and sinking fund moneys or the whole amount of the instalments covering interest and part of the principal moneys, as the case may be, becoming due and payable in respect of the said municipal debentures, the amount of such moneys available for such purposes shall be paid over to the municipal corporation or corporations, as the case may be, and in the event of two or more of such corporations having issued such debentures, the amount so paid shall be divided between them pro rata having regard to the amount of debentures issued by them respectively. Every such deficiency shall be made good so soon as the state of the accounts will admit of the same being done.



42.—(1) If after the payment over to the commissioners by the trustee of the whole of the proceeds of the said municipal debentures, it shall be found that further moneys will be required for the completion of the works and the payment of the interest and sinking fund moneys or instalments of interest and principal, as the case may be, accruing due and becoming payable in respect of the said municipal debentures, until the said works shall yield a sufficient revenue to provide for the same, the commissioners may, with the approval and consent of the Chief Justice of Ontario for the time being, raise, by way of loan secured by "special bonds" any such further sum or sums so required; and the special bonds so to be issued shall, without registration or formal conveyance, be and constitute a first lien and charge upon all the property, rights, and franchises held by the commissioners under the provisions of this Act, and have a preference over the other bonds to be issued under the provisions of section 41 of this Act.

Special bond issue in case of deficiency before works revenue producing.

(2) The said special bonds shall be for such amounts and shall be made payable at such time or times and at such place or places, and in such manner, and bear such rate of interest not exceeding six per cent. per annum as to the said commissioners may seem fit, and the said Chief Justice of Ontario may approve of.

Form of special bonds, rate of interest.

(3) The said special bonds shall be disposed of by or through the said trustee, and the moneys derived from the sale or other disposition thereof shall be placed to the credit of the "construction account" of the said works and paid over to the said commissioners upon the certificate of their chief engineer in like manner as the other moneys above mentioned, and as provided in the following section 43 of this Act.

Disposal of special bonds.

(4) The trustee may, from time to time, at the request of the commissioners, for advances of money to be made thereon, mortgage or pledge any debentures which may be issued by any municipal corporation or any "special bonds" which may be issued by the commissioners under the powers of this Act, for the acquisition and construction or extension and improvement of the said works.

Mortgaging or pledging debentures.

(5) If at any time or times after the completion of the said works it shall be deemed necessary or advisable to extend or improve, or to extend and improve the same or any part thereof, and the commissioners have not standing to their credit in the "general account," provided for in sections 36 and 46 of this Act, sufficient moneys to meet the cost of any such extension or improvement, they may, with the approval and consent of the said Chief Justice of Ontario, raise the amount or amounts of money so required by the issue and sale of "special bonds" under the provisions of this section.

Funds for extension of works.

Payments out  
on certificate  
of engineer.

**43.** (1) All moneys required by the commissioners for the purposes contemplated by this Act until the completion of the said works, shall be paid to them by the trustee from time to time and charged to the proper accounts on the certificate of the chief engineer of the commission, which certificate shall be in the form set out in Schedule B hereto or to the like effect, setting out how the money is to be applied, and that the sum so certified for is in pursuance of the provisions of this Act; and such certificate is to be attached to the cheques drawn by the trustee.

Negotiable  
Instruments.

(2) The commission shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than \$100; and any such promissory note or bill of exchange made, accepted or endorsed by the chairman or other member of the board acting in his absence, and countersigned by the secretary or treasurer as may be provided by the by-laws of the commission, shall be binding on the commission; and every such promissory note or bill of exchange so made, accepted or endorsed shall be presumed to have been made with proper authority until the contrary be shown; and in no case shall it be necessary to have the seal of the commission affixed to said promissory note or bill of exchange, nor shall the chairman or such other member of the board, or the secretary or treasurer be individually responsible for the same unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the board of commissioners as herein provided and enacted; provided however that nothing in this section shall be construed to authorize the said commission to issue any promissory note or bill of exchange payable to bearer or intended to be circulated as money or as the note or bills of a bank.

Proviso.

Audit of  
accounts.

**44.** All accounts paid by the commissioners shall be audited by the auditor (to be appointed as provided in section 49 of this Act) before payment, and shall be paid by cheque of the commission, except in the case of petty disbursements when the amount of such disbursement does not exceed the sum of five dollars; and a receipt or voucher shall be taken for all payments.

Deposit of  
funds  
received.

**45.** All moneys received by the commission on account of revenue or on any other account shall be deposited in the bank or banks with which the commission shall keep their account or accounts, to be paid out by cheque as occasion may require.

Income of  
Commission,  
how to be  
applied.

**46.** The income of the commission from the said works shall be applied as follows:—

Operating  
expenses.

(1) To the payment of the necessary operating expenses of the said power or other works and of all works necessary to the preservation, improvement and maintenance thereof, and  
to

to the payment of the remuneration and expenses of the commission and the salaries of officers and others employed by the commission, the collection of revenue and other incidental expenses of the management and conduct of the works and business connected therewith, and the payment of the commission or other remuneration of the trustee.

(2) To the payment of the half yearly interest or the Interest. annual or other instalments required to meet the interest and partial payments on account of principal, as the case may be, on the bonds and "special bonds" issued by the commissioners under the authority of this Act.

(3) When required, to provide a sinking fund at such rate Sinking fund per annum on the entire amount of the bonded debt as will, together with the interest which may be derived from the investment thereof, be sufficient to discharge the principal of the said bonds and "special bonds" at maturity.

(4) The portion of the income remaining after the making Renewal fund. of the payments above provided for shall be paid over quarterly to the trustee to form a repair, renewal, extension, and improvement fund to be dealt with as herein provided.

47. The commission shall cause books to be provided and Books of account. kept and true and regular accounts to be entered therein of the sums of money received and paid, and of the several purposes for which the same were received and paid, which books shall at all times be open to the inspection of any member of the commission and of the mayor, or other head, and treasurer of any corporation or corporations interested and of any person appointed by the commission or any such mayor or other head and treasurer for that purpose, and of any other person appointed by the Chief Justice of Ontario for that purpose, and any member of the commission and any of the persons aforesaid may take copies or extracts from said books.

48. The commission shall make an annual report for the Annual report of board. information of the municipal corporation or corporations interested in the said works setting forth the receipts and expenditure of the year and such other matters as may appear to them to be of public interest in relation to the said works and as may be required by the agreement appointing the trustee.

49. (1) All the books and accounts of the said commission and of the said trustee, in so far as they relate to the matters connected with the said commission and works and the matters provided for in the agreement under which the trustee shall have been appointed, shall be duly audited by an auditor to be appointed by the Chief Justice of Ontario in like manner as the commissioners are appointed under this Act. Audit of books of commission.



Annual  
financial  
statement of  
commission.

(2) The Treasurer of the commission shall prepare in duplicate not later than the 1st of April in each year an abstract of the receipts and expenditure of the commission for the year ending the 31st of December preceding, and of the assets and liabilities thereof at that date, and shall submit the same to the auditor for examination. The auditor shall audit such abstract with the Treasurer's and trustees books and shall make a report on all accounts audited by him and a special report as to any expenditure made contrary to law, and on or before the 1st day of May then next he shall transmit by mail one copy of the said abstract, with his report thereon, to the Secretary of the Bureau of Industries, Toronto, and file the other in the office of the Secretary of the Commission, who shall within one calendar month thereafter cause a sufficient number of certified copies thereof to be made and forwarded by mail to the clerk or clerks of the Municipal Corporation or corporations (as the case may be) which shall have issued debentures to procure the acquisition and construction of the said works.

Application of  
certain pro-  
visions of Rev.  
Stat. c. 207.

**50.** Sections 9 to 20, both inclusive, 30, 42, 47 to 50 both inclusive and sections 81 to 86, both inclusive, of *The Railway Act of Ontario*, shall, so far as applicable, apply to the said commission, commissioners and their undertakings in so far as the said sections are not incompatible with the provisions of this Act, and subject to the following:—

(a) Wherever in the said sections of *The Railway Act of Ontario* the words “company” and “directors” occur, they shall for the purposes of this Act mean the commission and commissioners hereby incorporated.

(b) Wherever in the said sections the word “railway” occurs it shall, unless the context otherwise requires and in so far as it applies to the provisions of this Act, mean the works, conduits, lines, cables or other works authorized by this Act to be constructed or acquired.

Rev. Stat. c.  
207.

(c) Wherever in the said sections of *The Railway Act of Ontario* the word “land” occurs it shall include any privilege or easement required by the commissioners for constructing the works authorized by this Act or any portions thereof over and along any land without the necessity of acquiring a title in fee simple thereto.

Fees of Chief  
Justice.

**51.** The fees to be paid to the Chief Justice of Ontario, upon the making of any appointment, the issuing of any order or certificate, or the doing of any other act required by this Act, at the instance of any municipal corporation, individual, firm, or company shall be paid in such manner and according to such scale as may, from time to time, be prescribed by order of the Lieutenant-Governor in Council.

52. Nothing in this Act contained shall be deemed to affect any of the provisions contained in any agreement or contract existing between any municipal corporation and any Electric Light or Heat, Light and Power Company, or to affect, repeal or annul any of the provisions contained in sections 566 to 568, both inclusive, of *The Municipal Act*; or to authorize the commissioners to supply power, heat or light in contravention thereof.

Act not to  
affect certain  
provisions of  
Rev. Stat., c.  
223.

## SCHEDULE A.

### SECTION 32.

Know all men by these presents that I (or we), (*name the vendor or vendors*), in consideration of \_\_\_\_\_ dollars, paid to me (or us), by the Power Commission, the receipt whereof is hereby acknowledged, do grant and convey, and I (or we)—(*insert the names of any other party or parties*), in consideration of \_\_\_\_\_, paid to me (or us), by the said commission, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels *as the case may be*), of land (*describe the land*), the same having been selected and laid out by the said commission for the purposes of their power works, to hold with the appurtenances unto the said

Power Commission, their successors and assigns (*here insert any other clauses, conditions and covenants required*), and I (or we), the wife (or wives), of the said \_\_\_\_\_ do hereby bar my (or our), dower in the said lands.

As witness my (or our), hand and seal (or hands and seals), this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

Signed, sealed and delivered in the presence of \_\_\_\_\_

## SCHEDULE B.

### CHIEF ENGINEER'S CERTIFICATE.

The \_\_\_\_\_ Power Commission office No. \_\_\_\_\_ A. D., 19\_\_\_\_  
Certificate to be attached to cheque drawn on The \_\_\_\_\_ Power  
Commission Municipal Trust account given under section 43 of  
chapter 25 of the Acts of the Legislature of Ontario, passed in the  
third year of His Majesty's reign

I, \_\_\_\_\_ Chief Engineer of The \_\_\_\_\_ Power Commission do hereby  
certify that the said commission is entitled under the terms of the agree-  
ment dated \_\_\_\_\_ 19\_\_\_\_, made between the corporation of  
(or the corporations of, \_\_\_\_\_ as the case may be), and the said  
commission, and under section 43 of the said Act, chaptered 25,  
3 Edward VII, Ontario Statutes to receive from the trustee of the said

Power Commission Municipal Trust moneys the sum of  
\_\_\_\_\_ dollars, to be charged to the construction account for the following  
purpose (*here set out for what purpose the money is required.*)

Chief Engineer.

CHAPTER

## CHAPTER 26.

## An Act to further amend The Act for the Improvement of Public Highways.

*Assented to 12th June, 1903.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1 Edw. VII.,  
c. 32, sec. 2,  
subs. 1,  
amended.

1. Sub-section 1 of section 2 of Chapter 32 of the Acts passed in the first year of His Majesty's reign intituled *An Act for the Improvement of Public Highways*, as amended by Section 27 of the Act passed in the second year of His Majesty's reign chaptered 12, is amended by striking out the figures "1904" in the second line thereof and inserting the figures "1905" in lieu thereof.

1 Edw. VII.  
c. 32, s. 4,  
amended.

2. Section 4 of the said Act is amended by striking out the figures "1904" in the fifth line thereof and inserting the figures "1906" in lieu thereof.

1 Edw. VII.  
c. 32, s. 7,  
repealed.

3. Section 7 of the said Act is repealed.

By-law for  
county road  
system to be  
approved by  
Lieutenant-  
Governor in  
Council.

4. No county shall be entitled to receive any portion of the sum set apart by *The Act for the Improvement of Public Highways* passed in the first year of His Majesty's reign as aforesaid unless and until the by-law designating public highways within the county as a county system of highways has been approved by the Lieutenant-Governor in Council.

Annual  
county grant  
for roads to  
townships not  
immediately  
interested in  
county  
system.

5. Where it appears that the highways designated as county roads established under this Act do not pass through one or more of the townships in the county or where it appears that such highways pass through but a small portion of any township, the county council may by by-law make a grant of a specific amount or an annual sum or both for the permanent improvement of highways in such township or townships as an equivalent for the amount which such township or townships may contribute for the establishment of a county system of highways.



6. Where at the time of the passing of the said Act the municipal council of any county had by by-law established a system of county roads equal in every respect to the requirements of the Public Works Department, such system of county roads shall be deemed to be within the meaning and intent of the said Act without any submission thereof to the ratepayers or to the township councils, as provided in sections 3 and 4 of said Act, but nothing in this section contained shall be deemed as preventing the county council from granting an equivalent to any township not benefited by the said county road system, as provided by section 5 of this Act.

Aid to county where road system established prior to 1 Edw. VII., c. 32.

7. The county council of any county may make a grant by by-law to any incorporated village or town in the county not separated from the county for the purpose of improving certain highways to be designated in such by-law in such village or town, but such highways shall not form a part of the county system of highways.

County grant to roads in villages and towns.

8. Wherever a county road intersects a highway which is not a county road the continuation of the county road to its full width across the road so intersected, including the bridges and culverts thereon or touching thereon, shall be a part of the county road system.

Intersection of other highways by county road.

9. A county council shall not be liable for the building, maintenance or repair of sidewalks on any county road or portion thereof.

County council not liable for sidewalks on county roads.

10. The county council shall in respect to county roads have all the powers given to townships, cities, towns and incorporated villages under *The Act respecting Snow Fences*.

Counties to have powers as to snow fences. Rev. Stat. c. 240.

11. This Act shall be read and construed in conjunction with said chapter 32 of the Acts passed in the 1st year of His Majesty's reign.

Act to be read with 1 Edw. VII, c. 32.

## CHAPTER 27.

An Act to regulate the Speed and Operation of  
Motor Vehicles on Highways.

*Assented to 12th June, 1903.*

**H**IS MAJESTY, by and with the consent and advice of the  
Legislative Assembly of the Province of Ontario, enacts  
as follows :—

Meaning  
of motor  
vehicle.

1. Whenever the term "Motor Vehicle" is used in this Act, it shall be construed to include automobiles, locomobiles, and all other vehicles propelled otherwise than by muscular power, excepting the cars of electric and steam railways, and other motor vehicles running only upon rails, or tracks; but nothing in this Act contained shall be construed to apply to or affect bicycles, tricycles or such other vehicles as are propelled exclusively by muscular pedal power.

Registration  
fee to be paid  
to Provincial  
Secretary.

2. Every resident of this Province who is the owner of a motor vehicle, and every non-resident owner whose motor vehicle shall be driven in this Province, shall pay to the Provincial Secretary a registration fee of two dollars for each motor vehicle. The Provincial Secretary shall issue for each motor vehicle so registered a permit properly numbered, stating that such motor vehicle is registered in accordance with this section, and shall cause the name of such owner, with his address and the number of his permit, to be entered in a book to be kept for such purpose. This section shall not apply to manufacturers or dealers in this Province of motor vehicles, except as to vehicles kept by such manufacturer or such dealer for private use, or for hire.

Provincial  
Secretary to  
issue permits.

3. Such permits shall be issued from the office of the Provincial Secretary, and shall be furnished to persons requiring the same by such persons and subject to such conditions as the Lieutenant-Governor in Council shall name and appoint for that purpose.

Permit and  
number of, to  
be plainly  
exposed on  
vehicle.

4. The owner of each and every motor vehicle driving the same upon the public streets, public roads, parks, or other public highways of this Province, shall carry and expose on said motor vehicle the permit issued as aforesaid by the Provincial Secretary, and he shall also have attached to or exposed upon  
the

the back of every such motor vehicle, in a conspicuous place, the number of said permit, so as to be plainly visible at all times during daylight, such number to be in plain figures not less than three inches in height.

5. Each and every motor vehicle shall be equipped and supplied with a proper alarm bell, gong, or horn, and the same shall be sounded whenever it shall be reasonably necessary to be sounded for the purpose of notifying pedestrians or others of the approach of any such vehicle, and all such vehicles shall carry a lighted lamp, or lamps, in a conspicuous position in such vehicle whenever in motion in any street, alley, or public way, at any time after dusk and before dawn, such light to display prominently the number of the permit issued, as aforesaid by the Provincial Secretary.

Alarm bell to be sounded at crossings, etc.

6. No motor vehicle shall be run upon any public highway within any city, town or incorporated village at a greater rate of speed than ten miles an hour, or upon any public highway outside of any city, town or incorporated village at a greater speed than fifteen miles per hour. Provided that the council of any city, town, township or village may by by-law set apart any public street or highway or any part thereof on which motor vehicles may be driven at any higher rate of speed than herein limited for the purpose of testing the same, and may pass by-laws for regulating and governing the use of any such street or highway or part thereof for the purposes aforesaid.

Rate of speed.

7. No person shall drive a motor vehicle upon any public street, highway, road, park, parkway or driveway in this Province in a race or on a bet or wager.

Not to be driven in a race or for a bet on a public street.

8. Every person having control or charge of a motor vehicle shall, whenever upon any public street or way and approaching any vehicle drawn by horse or horses, or any horse upon which any person is riding, operate, manage and control such motor vehicle in such manner as to exercise every reasonable precaution to prevent the frightening of any such horse or horses, and to insure the safety and protection of any person riding or driving the same. And if any such horse or horses appear frightened the person in control of such motor vehicle shall reduce its speed, and if requested by signal or otherwise by the driver of such horse or horses, shall not proceed further towards such animal, unless such movement be necessary to avoid accident or injury, or until such animal appears to be under the control of its rider or driver.

Person in charge of vehicle to use reasonable precaution not to frighten horses and to stop on signal.

9. Upon approaching a crossing of intersecting ways, and also in traversing the crossing or intersection, or in crossing a bridge, the person in control of a motor vehicle shall run it at a rate of speed less than that specified, and not greater than is reasonable

Rate of speed at intersecting ways.



reasonable and proper, having regard to the traffic and use of the intersecting ways or bridge.

Penalties.

**10.** Any person violating any provision of this Act shall for the first offence incur a penalty not exceeding the sum of twenty-five dollars, and for the second or any subsequent offence shall incur a like penalty, or may be imprisoned for a term not exceeding one month. And the penalties hereby imposed shall be recoverable upon proceedings under *The Ontario Summary Convictions Act*.

Rev. Stat.  
c. 90.

Rev. Stat.  
c. 223, s. 540,  
paragraph 7,  
not to apply.

**11.** No provisions in any by-law heretofore or hereafter passed under paragraph 7 of section 540 of *The Municipal Act* inconsistent with the provisions of this Act shall affect or apply to motor vehicles.

**12.** This Act shall take effect on, from, and after the first day of September, 1903.

CHAPTER 28.

An Act respecting Circuses and Travelling Shows.

*Assented to 12th June, 1903.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. No menagerie, circus, wild west show, trained animal show, dog and pony show, or show of any kind whatsoever, shall be exhibited at any place in this Province unless the owner, proprietor, manager, agent or person in charge of such show first obtains a license for that purpose from the Provincial Treasurer.

Circuses, etc., not to be exhibited without a license.

2. Every applicant for a license under section 1 of this Act shall make and file in the office of the Provincial Treasurer a statutory declaration setting forth the number of days upon which the show is to be exhibited in this Province and the localities in which the performances or exhibitions are to be held, and for such license shall pay in advance to the Provincial Treasurer the sums following, for every day upon which the show is to be exhibited in Ontario :—

License fee.

For every circus, menagerie, wild west show (including one side show), travelling with 20 cars or over . . .	\$100.00
Under 20 cars . . . . .	50.00
For every dog and pony show and trained animal show . . . . .	15.00
For each additional side show . . . . .	10.00

And for every other show such sum as may be determined by the Provincial Treasurer for every day upon which the show is licensed to be exhibited.

3. Any of the said shows exhibited as part of an Industrial Exhibition or Agricultural Fair shall pay such license fee as the Provincial Treasurer may impose, but not in excess of the fees fixed by section 2 of this Act for the particular class of show, and the Treasurer may have regard to any special circumstances of the case and may if he deems it advisable impose a nominal fee.

License fee for certain shows to be fixed by Provincial Treasurer.

Power to issue  
and revoke  
license.

4. Upon receiving the statutory declaration hereinbefore mentioned and upon payment of the license fee, the Provincial Treasurer may, in his discretion, issue a license to the applicant, and may at any time revoke the same upon being satisfied that the show is made the occasion for violations of the law or that gambling or any game of chance has been carried on in connection therewith; provided that in case of the revocation of a license, the amount received for the same shall be refunded to the licensee, less the sum paid per day for every day during which exhibitions have been given under such license prior to the revocation thereof.

Penalty for  
unlicensed  
exhibitions.

5. Any person in charge of a show, or the owner, proprietor, manager or person having control thereof who shall exhibit the same or any part thereof, without having first obtained a license as hereby required, shall be guilty of an offence against this Act, and shall be liable on summary conviction thereof to a fine not less than \$200, besides costs, and not more than \$300, besides costs, for every day upon which such show or any part thereof shall have been exhibited at any place in this Province, and in default of payment thereof, such person shall be imprisoned in the county gaol of the county in which the offence is committed for a period not exceeding three months.

Inspector of  
Criminal  
Investigation  
to be present  
at shows.

6. It shall be the duty of any Inspector of Criminal Investigation who may be detailed for that purpose, to be present at any show, horse-race or exhibition to which this Act applies and it shall further be his duty to institute prosecutions in any case of any violation of the law at such exhibitions, and in every way to protect the public attending the same from fraud and imposture.

License, when  
Municipal  
Corporation  
to issue.

7. No Municipal Corporation shall issue a license to any show to which section 1 of this Act applies until the applicant produces a license from the Provincial Treasurer authorizing the exhibition in the municipality, and any member or officer of a municipal corporation who is a party to the issue of any license in violation of the provisions of this Act shall be liable on summary conviction to a fine of \$20, besides costs, and in default of payment, to imprisonment for a term not exceeding 30 days,

Provincial  
and Dominion  
detectives and  
constables to  
have free  
access to all  
shows.

8. (1) The Inspectors of Criminal Investigation of the Dominion of Canada and of the Province of Ontario, and every Dominion and Provincial Constable receiving a salary from the Government, shall have access free of all charge to all shows included in Section 1 of this Act, and to every horse race, agricultural, horticultural or industrial exhibition, ball game, theatre or public gathering, and to the grounds, tents and buildings in which such shows, races, exhibitions and gathering are held, and every part thereof during the hours in which



which the public are admitted to such grounds and buildings, and any person obstructing, hindering or neglecting to give free access to any such Inspector or Constable in the exercise of the rights conferred by this section, after such Inspector or Constable has demanded admission and displayed his badge of office, shall be liable, on summary conviction thereof, to a fine not exceeding \$100, and not less than \$50, and to imprisonment for any term not exceeding three months.

(2) This section shall apply to shows, races and exhibitions which require a license, as well as to those which do not require a license.

9. All prosecutions under this Act may be brought and heard before any of His Majesty's justices of the peace in and for the county where the offence was committed, and, in cities or towns where there is a police magistrate, before such police magistrate; and, save where otherwise provided by this Act, proceedings shall be governed by *The Ontario Summary Convictions Act*. All penalties recovered under this Act, and all fees paid for licenses under the provisions of this Act, shall be paid over to the Treasurer of the Province of Ontario for the use of said Province.

Prosecutions.

Rev. Stat.  
c. 90.

10. The license fees under this Act are payable in addition to any fees imposed by Municipalities.

License fees  
to be in addition  
to fees of  
municipalities.

11. Chapter 244 of the Revised Statutes of Ontario, 1897, and Chapter 41 of the Acts passed in the 63rd year of the Reign of Her late Majesty Queen Victoria are repealed.

Rev. Stat.  
c. 244,  
and 63 V. c.  
41, repealed.

## CHAPTER 29.

## An Act to amend The Public Health Act.

*Assented to 12th June, 1903.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat.,  
c. 248, s. 76,  
amended.

1. The *Public Health Act* is amended by adding thereto the following section:—

Medical  
Health  
Officer  
may enter  
lodging-  
houses, etc.,  
where over-  
crowded or  
filthy.

76a. The Medical Health Officer or any Sanitary Inspector acting under instructions of the Medical Health Officer of the municipality may at any time of the day or night, as often as he thinks necessary, enter into a lodging house, tenement where rooms are rented, or a laundry where the owner or employees reside upon the premises, or other building where such officer has reason to suspect that the same are overcrowded or occupied by more persons than is reasonably safe for the health of such occupants. If upon such examination it is found that the premises are occupied by more persons than is reasonable for the health of such occupants, and that the sleeping rooms upon such premises are such that less than 400 cubic feet of air can be provided for each adult occupant of such room or rooms, the same shall be deemed to be overcrowded; or that the rooms or premises occupied by them are in a filthy or unclean state, or that any matter or thing is there which, in the opinion of the Medical Health Officer, may endanger the public health or the health of the occupants of such room or rooms, the Medical Health Officer may order the owner or occupant of the premises to remove the inmates therefrom, or to remove that which causes the premises to be filthy or unclean, and thus place the room or rooms in a condition fit for proper human habitation. In case the owner or occupant of any such lodging-house, tenement or laundry neglects or refuses to obey the orders given by the Medical Health Officer within 24 hours after such notice, he shall be liable to the penalties of this Act; and such Medical Health Officer or Sanitary Inspector may also call to his assistance all constables and peace officers and such other persons as he may think fit, and may enter into such lodging-house, tenement or laundry and cleanse the same, and remove the inmates therefrom, and also any matter or thing which causes the premises to be filthy or unclean, and destroy whatsoever it is necessary to remove or destroy for the preservation of the public health.

Penalties.

CHAPTER

## CHAPTER 30.

## An Act to amend The Children's Protection Act of Ontario.

*Assented to 12th June, 1903.*

HIS MAJESTY, by, and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 5 of *The Children's Protection Act of Ontario* is repealed and the following substituted therefor :—

Rev. Stat.  
c. 259, s. 5.  
repealed.

5. (1) For each electoral district within the Province of Ontario there shall be appointed a committee consisting of six persons or more, not less than half of whom shall be women, who shall be known as the "Children's Committee," and each member may be known as a "children's agent." The said committee, or individual members thereof, shall co-operate with the Superintendent of Neglected and Dependent Children and with the Children's Aid Societies, and shall serve without compensation. They shall assist, under the direction and advice of the superintendent, in the work of improving the condition of neglected and dependent children, in the careful selection of foster homes for the children in the temporary homes or shelters, and in the visitation of children placed in selected families when specially requested.

Appointments  
and duties of  
Children's  
Committee.

(2) The said Children's Committee for each electoral district shall be appointed by the County Judge, the Sheriff and the Warden of the county of which such electoral district forms a part, and in the case of a city forming a separate electoral district, by the County Judge, the Sheriff and the Mayor of such city, and such Committee shall hold office for a period of three years; provided that such Committee need not be appointed in any city or town where a Children's Aid Society exists. The member of the Legislative Assembly for each electoral district shall be one of the said Committee for such electoral district.

Who to  
appoint.

(3) The said Committee, or any member thereof, shall have and exercise the powers given by sections 7 and 8 of this Act, under the direction of the Superintendent, and shall aim at promoting and encouraging a philanthropic sentiment on behalf of neglected, abandoned and destitute children, and adopt

Powers and  
duties of  
committee.



adopt such methods as they may think best for securing voluntary subscriptions of money to be devoted to the effective carrying out of the objects of this Act.

Meetings and reports of committee.

(4) The said Committee shall meet together at least twice each year; and shall report to the Superintendent as to any recommendations or work accomplished, and as to all other matters coming within their sphere of duty as such Committee. They shall also from time to time report to the Children's Aid Society of their county with reference to neglected or dependent children, to the end that such Society may at all times have accurate knowledge regarding the care, oversight, education and general welfare of such children.

Rev. Stat. c. 259 amended.

2. The said Act is further amended by adding thereto the following sections :—

Probation officer to take charge of child under 16 charged with offence.

8 a (1) Where a child apparently under the age of sixteen years is brought before a Judge charged with any offence against the laws of this Province the said Judge may, without making a conviction, order the child to be placed under the care of a probation officer and may by such order require a report to be submitted to him by the officer from time to time concerning the progress and welfare of the child.

Appointment of Probation officers.

(2) Any member of a Children's Committee or any officer of a Children's Aid Society duly approved of, may act as a probation officer, but shall not be so appointed without his own consent.

Duty of.

(3) It shall be the duty of the probation officer to take a personal interest in the child placed under his care so as to secure its reformation and enable it to lead a respectable life.

Child under 14 years not to be committed to gaol or police station.

8 b (1) No child under the age of fourteen years charged with an offence against the laws of this Province shall be committed to any gaol or police station or lock-up pending trial, nor if so committed shall any sheriff, gaoler or police official receive any child apparently under the age of fourteen years for confinement in any lock-up or gaol commonly used for the detention of adults.

Bail to be given.

(2) Any child under fourteen years of age who has been arrested shall as far as possible be admitted to bail and be placed in the custody of some relative, friend or benevolent person willing to be responsible for his or her appearance.

Sheriff or officer to place child in care of association if bail not procured.

(3) Where a child cannot be admitted to bail the sheriff or officer having the direction of such matters shall have authority to contract for the temporary care and maintenance of such child with any association or individual possessing facilities for the safe-keeping and proper care of children until the case is disposed of and any expenses thus incurred shall be a charge upon the municipality in which the child has last resided for one year.

## CHAPTER 31.

## An Act respecting Boards of Education in certain Cities.

*Assented to 12th June, 1903.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. In every city having 100,000 inhabitants or more, in lieu of the board of public school trustees and the board of high school trustees and the board of management of technical schools heretofore elected or appointed in such city there shall be a board to be styled "The Board of Education for the City of....." (naming the city) which shall possess all the powers and shall perform all the duties heretofore possessed and performed by the boards of high school trustees and public school trustees and the board of management of technical schools in such city, and upon the organization of the said Board of Education all the property vested in the board of public school trustees and the board of high school trustees and the board of management of technical schools in such city shall become vested in the Board of Education; and all debts, contracts and agreements for which the said respective boards were liable shall become obligations of the Board of Education.

Boards of  
education in  
cities of  
100,000  
inhabitants.

2. The said Board of Education shall be composed as follows:—

Constitution  
of Board.

(1) Twelve members to be elected by a general vote of the persons qualified to vote at elections for members of a public school board in such city, and two members to be appointed by the Separate School Board of such city.

(2) The members to be elected as aforesaid shall be elected by general vote of the persons qualified to vote for public school trustees in any such city and the election shall be held at the same time and place and by the same returning officer and shall be conducted in the same manner as the election of mayor; and, save as otherwise provided by this Act, all the provisions of *The Public Schools Act* respecting the election of trustees by ballot shall apply to the said election of members of the Board of Education, but no person shall vote more than once for members of the said Board.

Mode of  
election.

1 Edw. VII.  
c. 39.

(3) Each person qualified to vote as aforesaid shall be entitled to as many votes as there are members to be elected to the said Board and may at his option give one, two or three votes (but not more than three votes) for one or more candidates

dates so long as the whole number of votes given by him does not exceed the number of members to be elected to the said Board.

Where the voter desires to give one, two, or three votes as aforesaid he shall place one cross thus  $\times$  or two crosses thus  $\times \times$  or three crosses thus  $\times \times \times$  on the right hand side opposite the name of the candidate or candidates for whom he votes; but except in the case aforesaid no person shall give more than one vote for one candidate.

Term of office  
of elected  
members.

(4) At the first election under this Act, twelve members of the said Board shall be elected, and six of the members so elected who receive the highest number of votes shall continue in office for two years thereafter and until their successors have been elected under this Act, and the new Board organized and the remaining six shall continue in office for one year and until their successors have been elected under this Act and the new Board organized.

(5) At each annual election after the first, six members shall be so elected for two years to fill the places of members retiring.

Determining  
question of  
retirement  
where two  
members have  
equal number  
of votes.

3. In case by reason of two or more members receiving an equal number of votes at the first election, the question of the retirement of one or more of them at the end of the first year is in doubt, and in case no agreement as to which of such members shall retire is reached at the first meeting of the board, then at the next meeting the question shall be determined by lots to be cast by the secretary or secretary-treasurer in the presence of the Board, and the result shall be entered upon the minutes of the Board. The six members retiring shall be eligible for re-election.

Vacancies  
among elected  
members.

4. In case the office of an elected member becomes vacant from any cause, the remaining members of the Board shall, at the first meeting after such vacancy occurs, elect some duly qualified person to fill such vacancy, and the person so elected shall hold his seat for the remainder of the term for which his predecessor was elected.

Appointment  
by separate  
school board.

5.—(1) The appointment of the members to the said Board by the separate school board shall be made at the first meeting of the separate school board in the year 1904 and at its first meeting in every second year thereafter.

Term of office  
of appointed  
member.

(2) The member so appointed shall hold office for two years and until his successor is appointed and shall be eligible for re-appointment.

Members of  
separate  
school board  
not eligible.

6. No member of the separate school board shall be eligible for appointment or election as a member of the said Board.

Vacancy in  
representation  
of separate  
school board.

7. In case any person appointed to said Board of Education by the separate school board shall die, resign or remove from



from the municipality or vacate his office before the expiration of the term for which he is appointed, the vacancy so caused shall be filled forthwith by the separate school board, and the person appointed to fill such vacancy shall hold office for the unexpired term of the person whose place became vacant as aforesaid.

8. The first meeting of the said Board of Education in each year shall be held at the hour of seven o'clock in the afternoon of the fourth Wednesday in January. First meeting of board.

9. At the first meeting of the said Board in every year the members of the Board shall elect a chairman, and at the first meeting held after the passing of this Act the Board shall also elect a secretary and treasurer or a secretary-treasurer who shall hold office until removed by the Board. Chairman, secretary, treasurer.

10. A majority of the members of the Board shall form a quorum. Quorum.

11. In case of an equality of votes at the election of chairman the member who is assessed for the largest sum on the last revised assessment roll shall have a second or casting vote in addition to his vote as a member of the Board. Equality of votes in election of chairman.

12. The chairman of the Board may vote with the other members of the Board on all questions, and any question on which there is an equality of votes shall be deemed to be negatived. Chairman to vote, and tie to negative question.

13. The members appointed by the separate school board shall not vote or otherwise take part in any of the proceedings of the Board of Education affecting the public schools. Representative of separate schools not to vote on public school matters.

14. No person shall be elected to the Board of Education who is not qualified to be elected as a trustee of a public school board under *The Public Schools Act*. Qualification of members.

15. The provisions of *The Public Schools Act* and *The High Schools Act* respecting the disqualification of persons from being elected or appointed to, and from sitting and voting as members of the said boards respectively, shall apply to the said Board of Education as if the said Board was named therein instead of the board of high school trustees or board of public school trustees respectively. Disqualification. 1 Edw. VII. cc. 39, 40.

16. (1) Every Board of Education constituted by this Act shall be a corporation by the name of "The Board of Education of the City of \_\_\_\_\_" (naming the city) and shall have and possess all the powers usually possessed by corporations so far as the same are necessary for carrying out the purposes of this Act and of *The Public Schools Act* and of *The High Schools Act* and of *The Act respecting Technical* Board to be a corporation. 1 Edw. VII cc. 39, 40.

Rev. Stat.  
c. 301.

*Technical Schools* and of all amendments to the said Acts and of any by-law of the municipality establishing or relating to a technical school.

First election  
of members  
of Board.

(2) The first election of members for the Board of Education under this Act shall take place at the time of holding the next ensuing municipal elections for 1904; but nothing in this Act contained shall affect the public school board or high school board or the board of management of technical schools in such city for the year 1903.

Appointment  
of inspectors.

17. The Board of Education of every city to which this Act applies shall appoint an inspector of the public schools for such city. When the teachers in charge of separate departments engaged by such Board exceed three hundred in number, the Board shall appoint two inspectors, and likewise an additional inspector for every three hundred teachers on the staff above six hundred.

Division of  
city into ter-  
ritorial dis-  
tricts accord-  
ing to number  
of inspectors.

18. In the event of more public school inspectors than one being appointed, the Board of Education shall divide the city into as many territorial divisions as there are inspectors, and assign one inspector to each division, and may change inspectors from one division to another; but no territorial division so made shall contain more teachers in charge of separate departments than the number prescribed in section 17 hereof; or, at its discretion, the Board may designate such officers, "Chief Inspector" and "Inspectors," and may prescribe the duties of each, provided always that the duties so prescribed shall not be inconsistent with the provisions of *The Public Schools Act* in that behalf.

Provision for  
special and  
advanced  
courses of  
instruction in  
high schools.

19. The Board of Education may make such modification of the prescribed high school courses of study to be undertaken in each of the high schools under its jurisdiction as it deems expedient, and may provide for special or advanced instruction in any of such courses, and may designate such schools, or any one of them, as English, Science, Commercial, Technical or Classical High Schools, according to the course or courses of instruction provided for each, but all such courses must be approved by the Minister of Education, and the accommodation and equipment of the school and the qualifications of the staff be subject to the regulations of the Education Department.

Act incorpor-  
ated with 1  
Edw VII.,  
cc. 39, 40, and  
Rev. Stat. c.  
301.

20. This Act shall be read with and as part of *The Public Schools Act* and *The High Schools Act* and of *The Act respecting Technical Schools*, and the said Acts are hereby amended to conform to the provisions hereinbefore contained.

54 V. c. 82,  
s. 10,  
repealed.

21. Section 10 of the Act passed in the fifty-fourth year of the reign of Her late Majesty, Queen Victoria, chaptered 82, is repealed.

## CHAPTER 32.

## An Act to amend The Public Schools Act.

*Assented to 12th June, 1903.*

**HIS MAJESTY**, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 16 of *The Public Schools Act* is amended by striking out the words "with the consent, expressed in writing," in the fourth line, and inserting in lieu thereof the following words, "by giving notice in writing, of such resignation to each."

1 Edw. VII.  
c. 39, s. 16  
amended.

2. Sub-section 2 of section 41 of *The Public Schools Act* is amended by adding after the word "section" in the 4th line the following words "or to unite parts of existing sections so as to form a new section."

1 Edw. VII.,  
c. 39, s. 41,  
sub-s. 2,  
amended.  
Union school  
sections.

3.—(1) Subsection (1) of section 54 of *The Public Schools Act* is amended by striking out the word "three" in the first line of the said subsection and inserting in lieu thereof the word "five."

1 Edw. VII  
c. 39, s. 54,  
subs. 1,  
amended.

(2) Subsection (2) of the said section is amended by striking out the word "three" in the last line of the said subsection and inserting in lieu thereof the word "five."

Subs. 2.  
amended.

(3) Subsection (3) of the said section is amended by striking out the word "three" in the last line of the said subsection and inserting in lieu thereof the word "five."

Subs. 3.  
amended.

4. The cost of proceedings under the said section 54, including the fees of assessors and arbitrators, shall be borne and be paid by the municipality in which the union school section is situate, and in case such section includes portions of two or more municipalities the said cost shall be borne and be paid by the municipalities in the same proportion as the equalized assessments of the municipalities bear to each other.

Costs of  
assessors and  
arbitrators.

5. Sub-section 1 of section 76 of *The Public Schools Act* is repealed and the following substituted therefor:—

1 Edw. VII.  
c. 39, s. 76,  
subs. 1,  
repealed.

(1) The municipal council of any urban municipality may, on the application of the board of public school trustees, pass a by-law for borrowing money by the issue and sale of debentures for the purchase of a school site or for the erection of a school house or any addition thereto or for the purchase or erection

Submission  
of question  
to vote of  
electors.



erection of a teacher's residence, which debentures and the money to be raised annually therefor shall be chargeable only upon the property of ratepayers who are supporters of public schools. Where the municipal council refuses to issue such debentures to raise or borrow the sum required for the said purposes then the question shall be submitted by the municipal council, if requested by the board of trustees, to the vote of the electors qualified to vote under *The Municipal Act* for the creating of debts, and who are supporters of public schools, in the manner therein provided, and on the assent of such electors being obtained the council shall issue such debentures to raise or borrow such sum to be chargeable as aforesaid.

Rev. Stat.  
c. 223.

1 Edw. VII.,  
c. 39, s. 86,  
subs. 8,  
amended.

6. Sub-section 8 of section 86 of *The Public Schools Act* is amended by striking out all the words of the subsection after the word "addition" in the third line, and substituting therefor the following words "such sum annually for reasonable travelling expenses, as may be determined by the county council, but in no case shall the sum so paid be less than \$150 annually. Where the number of schools exceeds fifty there shall be paid annually the further sum of \$1.50 for each additional school up to one hundred and fifty."

1 Edw. VII.,  
c. 39, s. 94,  
amended.

7. Section 94 of *The Public Schools Act* is amended by adding the words "or Public School Inspector" after the word "teacher" in the 1st and 5th lines, and by adding after the word "trustees" in the 2nd line of the said section the words "in the case of a teacher and the county council, in case of a Public School Inspector," and by striking out the word "him" in the 2nd line and inserting in lieu thereof the words "the teacher or Public School Inspector as the case may be."

Retiring  
allowances to  
inspectors.

## CHAPTER 33.

## An Act to amend The High Schools Act.

*Assented to 12th June, 1903.*

**HIS MAJESTY**, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subsection 6 of section 34 of *The High Schools Act* is amended by striking out the word "the" immediately following the word "pay" in the sixth line thereof, and inserting the following words "a sum equal to eighty per cent. of the average annual," and by adding after the word "schools" in the seventh line the following words "provided that this subsection shall not apply to cities having a population of 50,000 or over."

1 Edw. VII.,  
c. 40, s. 34,  
sub-sec. 6.  
amended.

2. Subsection 7 of section 34 of *The High Schools Act* and subsections 8, 9 and 10 of the said section as enacted by section 2 of the Act passed in the second year of His Majesty's reign, chaptered 42, are repealed and the following subsections substituted therefor:

1 Edw. VII.,  
c. 40, s. 34,  
sub-sec. 7.  
2 Edw. VII.,  
c. 42, subs. 8-10,  
repealed.

(7) When the trustees of any High School in a Village, Township, Town, or City have notified the clerk of any County adjacent to that in which the High School is situated, that such High School is open to pupils resident in such adjacent County on the same terms as to county pupils, the Council of such adjacent County shall in all cases pay for the maintenance of pupils from such County attending such High School a sum equal to 65 per cent. of the average cost of the yearly maintenance of pupils at such High School, after deducting the amount of the Government grant to such High School, and the fees payable by such pupils thereat, but this subsection shall not apply to cities having a population of 50,000 or over.

Maintenance  
of county  
pupils in city,  
town and  
village high  
schools.

(8) The council of any County may by a two-thirds vote give additional aid to any one or more High Schools or Collegiate Institutes in the County without giving such aid to all the High Schools in such County.

Additional  
aid to high  
schools by  
county.

3. Section 36 of *The High Schools Act* is amended by striking out the words "made on or before the first day of August in each year" in the sixth and seventh lines of the said section.

1 Edw. VII.,  
c. 40, s. 36,  
amended.

## CHAPTER 34.

## An Act to amend The Separate Schools Act

*Assented to 12th June, 1903.*

**H**IS Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Rev. Stat.  
c. 294,  
amended.

1. *The Separate Schools Act* is amended by adding thereto the following section as section 29 a.

New sites.

29a (1.) The trustees of every rural school shall have power to select a site for a new schoolhouse or to agree upon a change of site for an existing schoolhouse, and shall forthwith call a special meeting of the supporters of the school to consider the site selected by them ; and no site shall be adopted or change of school site made, except in the manner hereinafter provided, without the consent of the majority of such special meeting.

Arbitration  
when trustees  
and ratepay-  
ers differ as  
to site.

(2) In case a majority of the supporters present at such special meeting differ as to the suitability of the site selected by the trustees, each party shall then and there choose an arbitrator, and the inspector of separate schools for the district in which the school is situate, or, in case of his inability to act, any person appointed by him to act in his behalf, shall be a third arbitrator ; and such three arbitrators, or a majority of them present at any lawful meeting, shall have authority to make and publish an award upon the matter submitted to them.

Award.

Reconsidera-  
tion of award.

(3) With the consent, or at the request of the parties to the reference, the arbitrators, or a majority of them shall have authority, within one month from the date of their award, to reconsider such award and within two months thereafter to make and publish a second award, which award (or the previous one if not reconsidered by the arbitrators) shall be binding upon all parties concerned for at least five years from the date thereof.

62 V. (2) c. 37,  
s. 1, amended.

2. Section 1 of the Act passed at the second session held in the 62nd year of the reign of Her Late Majesty Queen Victoria, chaptered 37, and intituled *An Act to amend The Separate Schools Act* is amended by prefixing to the said section the words "In unorganized townships and."



3. Subsection 1 of section 32 of *The Separate Schools Act* is amended by striking out all the words after the word "require" in the fourth line down to and including the word "ballot" in the fifth line, and inserting in lieu thereof the following words "the election of members of the board for such city, town or incorporated village to be held by ballot on the same day as municipal councillors or aldermen are elected, as the case may be." Rev. Stat.  
c. 294, sec. 32,  
subs. 1,  
amended.

4. Section 44 of *The Separate Schools Act* is amended by adding after the word "nearest" in the fourth line the words "by road." Rev. Stat.  
c. 294, sec. 44,  
amended.

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## CHAPTER 35.

An Act respecting the Property of Public and Separate Schools in the City of Windsor and other matters.

*Assented to 12th June, 1903.*

Preamble.

**W**HEREAS disputes have arisen between the Separate School Board and the Board of Education in the City of Windsor with regard to certain school properties; and whereas enquiry has been made into the questions in dispute by the Chief Justice of the King's Bench; and whereas it appears by the report of the Chief Justice that no provision is made for such a case, and that legislation should be passed to create a tribunal empowered to arbitrate in the premises;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Appointment of arbitrator.

1. The Lieutenant-Governor in Council may appoint a Judge of the High Court to act as arbitrator in respect of the claims and matters in dispute between the Separate School Board and the Board of Education in the City of Windsor, and the Judge so appointed shall have power to value and adjust the said claims and matters, and to allot to the Board of Trustees of the Separate Schools for the City of Windsor any portion of the real estate and other property now owned by the Board of Education for the City as may appear just and equitable; and the award so made shall be subject to appeal to the Court of Appeal as if such award was a judgment of a Judge of the High Court in Court, and may be enforced in the same manner as a judgment or Order of the High Court to the same effect.

Compelling attendance of witnesses and production of documents.

2. The Judge appointed as aforesaid shall have the same power to enforce the attendance of witnesses, and to compel them to give evidence and produce all documents and things as is vested in any court in civil cases; and for the purposes of the said arbitration the evidence given on the enquiry already had may be used so far as may be deemed proper by the Judge appointed under this Act.

## CHAPTER 36.

*Assented to 12th June, 1903.*

An Act setting apart certain Wild Lands of The Crown, in addition to those previously set apart, for the use of the University of Toronto.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The Lieutenant-Governor in Council may set apart for the University of Toronto four townships of six miles square of the Crown Lands in this Province, and which may be selected in either of the Districts of Rainy River, Algoma or Nipissing north of Lake Temiscaming. Four townships may be set apart.

2. The lands in the said Townships so set apart shall be sold at the same price and shall be controlled and managed by the Department of Crown Lands upon the same terms and conditions as other Crown Lands in the said locality. Lands to be dealt with as in other townships.

3. Separate accounts respecting the said lands and the moneys received from the sales thereof shall be kept by the proper officers and Departments, and yearly accounts thereof shall be rendered to the said University from time to time; and all moneys derived from the sales thereof shall be paid over to the Bursar or other officer of the said University free from all charges or deductions for management or otherwise, and shall be applied and used solely for the purpose of providing a Woman's Residence in connection with the said University. Accounts of sales to be kept and proceeds paid to Bursar.

4. In case it shall be found that any of the lands in the said townships have been already sold, the moneys received from such sales shall be set apart and paid to the said University for the purpose provided in this Act. If lands already sold, proceeds to be set apart.

5. Squatters on any of the said lands shall be treated in the same manner as squatters upon ordinary Crown Lands. Squatters.

6. The pine timber on the said lands shall be reserved for the uses of the Crown in this Province; and, in case any lands selected as aforesaid form part of timber berths already disposed of, the said lands shall be held for the University subject to the rights of the licensee of the said timber berths or his lawful assigns. Reservation of pine timber.



## CHAPTER 37.

## An Act to amend The Industrial Schools Act and for other purposes.

*Assented to 12th June, 1903.*

**HIS MAJESTY**, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Interpreta-  
tion.

1. The word "county," wherever it occurs in this Act, shall include any union of counties for judicial purposes, and every judicial or territorial district now existing or that may be hereafter formed out of any portion of the organized territory in this Province; the word "sentence," unless where the context requires a different meaning, shall include any order made by lawful authority for the confinement of any child in a certified Industrial School, and the word "sentenced" shall include the making of such order.

Rev. Stat., c.  
304 s. 11 (1)  
amended.

2. Subsection 1 of section 11 of *The Industrial Schools Act* is amended by striking out the word "fourteen" in the fifth line and inserting the word "sixteen" in place thereof, and by striking out the words "or reformatory" in the fourth line of clause 'f' of the said subsection, so that the section will then read as follows :—

Who may be  
sent to indus-  
trial school.

11.—(1) Any person may at a special sitting bring before the Police Magistrate, or before the Judge of the County Court, and, except in cities where there is a Police Magistrate, before any Justice of the Peace, any child apparently under the age of sixteen years, who comes within any of the following descriptions, namely :—

- (a) Who is found persistently begging or receiving alms, or being in any street or public place for the purpose of begging or receiving alms; or who is without settled home.
- (b) Who by reason of long neglect cannot be satisfactorily dealt with by a Childrens Aid Society.
- (c) Who, having been made a ward of a Children's Aid Society and failing to do well in a foster home, is certified by the Superintendent of Neglected and Dependent Children to be in need of further training or discipline.

(d)

- (d) Who, by reason of the neglect, drunkenness or other vices of the parents, is suffered to be growing up without salutary parental control and education, or in circumstances exposing him to lead an idle and dissolute life ;
- (e) Who has been found guilty of petty crime, and who in the opinion of the Judge or Magistrate before whom he has been convicted, should be sent to an industrial school instead of to a gaol.
- (f) Who (being a child between ten and fourteen years of age) has been expelled from school for vicious and immoral conduct.

3. Subsection 1 of section 14 of the said Act is amended by striking out the word "thirteen" and inserting the word "sixteen" in lieu thereof in the eighth line of the said subsection and by striking out the words "Reformatory or" in the sixth line of subsection 2 and inserting the words "Central Prison" and by altering the figures 17 to 21 in the ninth line of subsection 2 and by adding a third sub-section thereto, so that said section will then read as follows :—

Rev. Stat. c.  
304, s. 14  
amended.

"14 (1) Where under the authority of any statute of the Province or of any other statute or law in force in the Province, and relating to matters within the legislative authority of the Legislature of the Province, any offender is convicted whether summarily or otherwise, of any offence punishable by imprisonment, by any Judge, Stipendiary or Police Magistrate or Justice of the Peace, who at the time of the trial is of the opinion that such offender does not exceed the age of sixteen years such Judge, Magistrate or Justice may order such offender to be sent to a certified industrial school subject to the provisions of this Act.

Person under  
16 charged  
with offence  
to be sent to  
industrial  
school.

(2) Such offender shall thereupon be detained in such industrial school until he is reformed or otherwise fit to be apprenticed or bound out, or is probationally or permanently discharged under the provisions of this Act, and such detention shall be substituted in such case for the imprisonment in the penitentiary, Central Prison or such place of confinement by which the offender would otherwise be punishable under any such statute or law relating thereto as aforesaid; but in no case shall the offender be detained beyond the age of 21 years,

(3) Every certified school shall exercise and maintain supervision over those committed to their guardianship after leaving the school and shall keep such records and provide for such visits as may be prescribed by the Inspector.

4. Section 15 of the said Act is hereby amended by striking out the word "Reformatory" in the eighth line and inserting

Rev. Stat. c.  
304, s. 15  
amended.

serting the words "Central Prison" in line thereof and by adding to such section at the end thereof the words "in the Industrial School," so that said section will then read as follows:—

Incorrigible inmates of industrial school.

15. Upon complaint made to the Judge of the County or District Court, or to any Stipendiary or Police Magistrate by the general superintendent or other officer in charge of such industrial school, that by reason of incorrigible or vicious conduct, or escape, or habits of escape, and with reference to the general discipline of the school, the offender is beyond the control of such officer, the Judge, Stipendiary or Police Magistrate, may order such offender to be confined in the Central Prison for an undefined period, not to exceed the period for which he would be otherwise liable to be detained in the Industrial School.

Rev. Stat. c. 304, s. 16 amended.

5. Section 16 of the said Act is amended by striking out the word "thirteen" in the third line and inserting the word "sixteen" and by adding a second subsection thereto, so that the said section shall then read as follows:—

Committals under Dominion statutes.

16 (1) In case an offender against any law of Canada who at the time of his trial is or appears to be under the age of sixteen years is for any offence against any law of Canada committed to a certified industrial school, or is transferred by legal authority from any place of imprisonment to a certified industrial school, the managers of such school may admit the offender into the said school accordingly.

(2) In case any child who has been placed in a foster home is afterwards committed to an industrial school, the municipality in which he resided previous to going to such foster home shall be liable for such maintainance under this Act.

Rev. Stat., c. 304, s. 24, and 63 V., c. 56, s. 2, amended.

6. Section 24 of *The Industrial Schools Act* and section 2 of *The Act Respecting Industrial Schools* passed in the 63rd year of the reign of Her late Majesty, chaptered 56 are repealed and the following substituted therefor:—

Persons committed to remain under guardianship until 21 years old.

24. Every child who has heretofore been or who shall hereafter be committed to an Industrial School under any Act of this Legislature shall remain under the guardianship of the Board or other body having the management of such school and such board or other body shall possess and exercise all the rights and powers of the parents in regard to such child until such child shall attain the age of 21 years.

Rev. Stat. c. 304 s. 30 (1) amended.

7. Subsection 1 of section 30 of *The Industrial Schools Act* is amended by inserting after the word "town" in the seventh line the words "the sum of \$1.25 per week as," so that the subsection as altered will read as follows:—

Cost of maintenance to be paid by municipalities.

30.—(1) In case a child sent by a Judge or Magistrate to an industrial school has not resided in the city or town in which  
said



said school is situated, or to which it is attached, for a period of one year, but has resided for that period in some other county, city or separated town the school corporation or philanthropic society may recover from the corporation of such county, city or separated town the sum of \$1.25 per week as the expense of maintaining the child.

8. Subsection 2 of section 30 of the said Act is amended by inserting after the word "recover" in the 6th line the words "the like sum towards" so that the subsection as altered will read as follows:—

Rev. Stat.  
c. 304 s. 30 (2)  
amended.

(2) If the child, although he or she had resided for a period of one year in the city in which the industrial school is situated, or to which it is attached, had, since such residence, been resident for a period of one year in some other municipality the school corporation or philanthropic society, may in like manner, recover the like sum towards the expense of maintenance from the county, city or separated town in which the child last resided for a period of one year.

9. Subsection 3 of section 30 of the said Act is amended by striking out the figures "\$2 00" in the fourth line and inserting in lieu thereof the figures "\$1.25" so that the subsection as altered will read as follows:

Rev. Stat.  
c. 304 s. 30 (3)  
amended.

(3) Where the child resided for one year last preceding its admission to said school in the city or town in which the industrial school is situated or to which it is attached, such city or town shall pay the sum of not less than \$1.25 per week towards the expenses of maintaining in the school of each such child whose maintenance is not otherwise fully provided for: and such city or town shall have the power to recover the amount so paid from the parents if able to pay it.

10. Section 37 of the said Act is repealed and the following substituted therefor:—

Rev. Stat. c.  
304, s. 37  
repealed.

37. In case of public moneys being appropriated for the purposes of this Act by the Legislative Assembly, every industrial school complying with the requirements of this Act and of all orders made hereunder by the Lieutenant-Governor in Council, shall receive in each year aid from such moneys to the extent and amount following, that is to say, twenty-five cents for each day's actual stay of every pupil admitted to, or being within such institution during the calendar year next preceeding the year for which such aid is given, and for boys transferred from the Ontario Reformatory to an industrial school under the 11th Section of this Act—Such industrial school shall receive the sum of fifty cents for each day's actual stay of every pupil so transferred, or being within such institution within the said calendar year or proportionate part thereof.

Amount of  
aid.

Transfer from reformatory to central prison or industrial school.

Rev. Stat., c. 304.

Application of Act.

Children from unorganized territory.

Commencement of Act.

**11.** Boys now confined in the Ontario Reformatory for Boys, at Penetanguishene, may by order of the Lieutenant-Governor of the Province of Ontario be transferred therefrom either to the Central Prison or the industrial school, and they shall there complete the terms of their respective sentences, subject, however, to any boy being transferred, apprenticed or paroled from the industrial school in the same manner as if he had been originally committed thereto under *The Industrial Schools Act*, and also to his being transferred to the Central Prison under section 15 of *The Industrial Schools Act* as hereby amended; and such industrial school or Central Prison shall be considered to be and shall be respectively, the Ontario Reformatory for boys for the purpose of completing such sentence or sentences.

**12.** When this Act comes into force it shall enure to the benefit of all municipalities then chargeable with the maintenance of any child theretofore admitted to an industrial school.

**13.** Children committed to an industrial school from any portion of the unorganized territory of the Province shall be paid for by the Province at the rate of 43 cents for each day's actual stay in the school until such territory shall be organized as a County whereupon the County shall be liable to pay the amount provided under Section 30 of *The Industrial Schools Act* amended hereby.

**14.** This Act shall come into force as soon as the same shall be so ordered by the Lieutenant-Governor in Council and proclamation made thereon.

## CHAPTER 38.

## An Act respecting Municipal Houses of Refuge.

*Assented to 12th June, 1903.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The corporation of every county or union of counties, before the 1st day of January, 1906, shall erect and establish for such county, or union of counties, a house of refuge for the reception of persons of the classes described in section 526 of *The Municipal Act* and amendments thereto ; provided that, in lieu of establishing separate houses of refuge, the councils of two or three contiguous counties may, with the approval in writing of the Inspector or one of the Inspectors of Prisons and Public Charities, enter into an agreement for the erection and maintenance of, and may, before the said date, erect and establish a joint house of refuge for such county, and the erection and maintenance of such joint house of refuge shall be deemed a sufficient compliance with the provisions of this Act.

County houses of refuge to be established before 1st January, 1906.

2. For the purpose of erecting, establishing, maintaining and governing such house of refuge, or joint house of refuge, county councils shall have and shall exercise the powers conferred upon the councils of counties by section 524 and following sections of *The Municipal Act* respecting the establishment, maintenance and management of houses of refuge and the commitment of persons thereto.

Powers of counties as to houses of refuge:

Rev. Stat., c. 223.

3. The plans for every such house of refuge, or joint house of refuge, shall be submitted to the Inspector of Prisons and Public Charities for his approval before the erection thereof

Plans to be submitted to Inspector of Prisons and Public Charities.

4. (1) In case a county council establishes a separate house of refuge the council shall by by-law appoint two persons, who may be members of the council, who shall, together with the warden, form a board of management and shall have the management, regulation and control of the house of refuge

Board of management.

(2) Where two counties agree to establish a joint house of refuge the council shall in and by the agreement provide for the appointment of one person who, with the warden of each county, shall form the board of management as aforesaid. In case



case three counties agree to establish a joint house of refuge the board of management shall consist of the wardens of the counties.

Rev. Stat., c.  
312 to apply.

**5.** Chapter 312 of the Revised Statutes of Ontario, 1897, shall apply to houses of refuge erected under this Act.

Act not to  
apply where  
houses of re-  
fuge already  
erected.

**6.** This Act shall not apply to any county, or union of counties, which has heretofore erected and shall continue to maintain a house of refuge, either separately or jointly with a local municipality or some other county municipality.

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## CHAPTER 39.

## An Act respecting the Town of Aurora.

*Assented to 12th June, 1903.*

WHEREAS the Corporation of the Town of Aurora has by Preamble  
petition represented that on the 25th day of February, 1901, the council of the said town submitted to a vote of the duly qualified electors By-laws Nos. 192 and 193 of the said town entitled respectively, "To authorize the issue of debentures of the Town of Aurora to the amount of \$10,000 bearing interest at the rate of four per cent per annum, for the purpose of granting a bonus of \$10,000 to Messrs Underhill and Sisman (who are now carrying on the business of manufacturing boots and shoes in the Village of Markham, in the County of York, and who are about to remove their plant and machinery and carry on the said manufacturing business in the Town of Aurora) to enable them to purchase land, erect and equip a factory and other necessary buildings required for the purpose of carrying on the business of manufacturing boots and shoes in the Town of Aurora" and "To authorize the Town of Aurora to exempt Messrs. Underhill & Sisman (who are now carrying on the business of manufacturing boots and shoes in the Village of Markham in the County of York and who are about to remove their plant and machinery and carry on the said manufacturing business in the Town of Aurora) from all municipal taxation (except school taxes) for a period of ten years from the time hereafter fixed by this by-law to come into effect, on all lands, buildings and plant owned, used and occupied by them in their business of manufacturing boots and shoes in the said Town of Aurora, and to provide all water actually required by them in their said business, free of cost, for a term of ten years," when two-hundred and eighty-nine of the said electors voted for By-law No. 192 and seven against it, and two hundred and eighty-seven voted for By-law No. 193 and nine against it, the vote in favour of both by-laws being largely in excess of the number required by law in the case of bonuses to manufacturers; that on the 4th day of March, 1901, the said by-laws were finally passed by the council of the said town and thereafter were duly promulgated and registered as required by law; that in pursuance of the said by-law an agreement was entered into between the corporation of the said town and the said firm of Underhill & Sisman, which agreement bears date the 24th day of April, 1901; that on the execution of the said agreement the said firm executed a mortgage with the corporation

tion of the said town for \$10,000 in accordance with the terms of the said agreement and forthwith, erected all buildings and established their business in the said Town of Aurora in accordance with the terms of the said agreement and by-laws; that to carry out the terms of the said agreement and for the payment of the said bonus the corporation of the said town borrowed from time to time from the Ontario Bank sums amounting in all to the sum of \$10,000 and paid over the same in accordance with the terms of the said agreement to the said firm of Underhill & Sisman; that on the 23rd day of May, 1901, a motion to quash the said by-law was made in the High Court of Justice by the Corporation of the Village of Markham, which motion was dismissed on the 4th day of July, 1901; that on appeal of the said Corporation of the Village of Markham to the Court of Appeal for the Province of Ontario, the judgment of the High Court dismissing the said motion was reversed and judgment delivered on the 10th day of April, 1902, quashing the said by-law and leave was refused the said municipal corporation of the Town of Aurora to appeal to the Supreme Court of Canada; that the said firm of Underhill & Sisman have since the establishment of their business in the said Town of Aurora carried on the same in full compliance with all the terms of the said agreement; that unless the said by-laws are confirmed and legalized the said corporation of the Town of Aurora will be unable to issue debentures to repay the sums borrowed from the Ontario Bank; that the said municipal corporation of the Town of Aurora have paid all costs as between party and party to which they were rendered liable by the judgment of the Court of Appeal; and whereas the said corporation of the Town of Aurora has by the said petition prayed that an Act may be passed to legalize and confirm the said by-laws and the rates levied or to be levied thereunder, and to authorize the issue of debentures as provided in the said By-law 192, and to confirm and validate the said agreement; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-laws No.  
192 and 193  
of Aurora  
confirmed.

1. By-laws Nos. 192 and 193 of the Corporation of the Town of Aurora set forth in Schedules A and B to this Act are confirmed and declared to be legal, valid and binding on the Municipal Corporation of the Town of Aurora and ratepayers thereof notwithstanding any want of jurisdiction on the part of the said town to pass the said by-laws, and notwithstanding any defect or error in substance or form of the said by-laws, or in the manner of passing the same, and the said corporation of the Town of Aurora may issue and sell debentures in accordance with the said by-law, No. 192, within two years after the passing of this



this Act, and may do all other necessary acts for the full and proper carrying out of the said by-laws.

2. All rates heretofore levied by the said corporation for the payment of interest for the said sum of \$10,000 borrowed by the said corporation, as aforesaid, or any part thereof, and all rates hereafter to be levied under the said By-law No. 192 for the payment of the principal and interest of debentures issued under the said by-law, are ratified and confirmed and declared to be and to have been legal, valid and binding and the said corporation may levy such further rates as may be necessary in pursuance of the said by-law. Rates valid and binding.

3. The agreement set forth in Schedule C to this Act is ratified and confirmed and declared to be and to have been from the time of the execution thereof legal, valid and binding on the parties thereto. Agreement confirmed.

4. The Municipal Corporation of the Town of Aurora shall forthwith pay to the Municipal Corporation of the Village of Markham the sum of \$300 as and for the costs and expenses incurred by the Municipal Corporation of the Village of Markham in the said litigation other than the costs heretofore paid by the Municipal Corporation of the Town of Aurora, as in the preamble to this Act recited, and the said sum of \$300 is declared to be a debt due from the Municipal Corporation of the Town of Aurora to the Municipal Corporation of the Village of Markham recoverable with costs of suit in any court of competent jurisdiction in this Province and shall be taken and deemed to be in full satisfaction of any claim for damages or otherwise which the Village of Markham may have against the Town of Aurora with respect to the passing of the said By-laws numbered 192 and 193. Town of Aurora to pay \$300 to Village of Markham.

## SCHEDULE A.

### BY-LAW No. 192.

To authorize the issue of debentures of the Town of Aurora to the amount of \$10,000, bearing interest at rate of four per cent. per annum, for the purpose of granting a bonus of \$10,000 to Messrs Underhill & Sisman (who are now carrying on the business of manufacturing boots and shoes in the Village of Markham, in the County of York, and who are about to remove their plant and machinery and carry on the said manufacturing business in the Town of Aurora), to enable them to purchase land, erect and equip a factory and other necessary buildings required for the purpose of carrying on the business of manufacturing boots and shoes in the Town of Aurora.

1. Whereas the said manufacturing firm of Underhill & Sisman have decided to remove their plant and works from the Village of Markham, under any circumstance, and having expressed a desire to locate their said business in the Town of Aurora, have asked the corporation of the said town for a bonus of \$10,000 to enable them to purchase land, erect and equip a factory, and all other necessary buildings required for the purpose of carrying on the business of manufacturing boots and shoes in said town.

2. And whereas it is deemed advisable that the Town of Aurora should grant them a bonus of \$10,000 for the purposes aforesaid.

3. And whereas to raise the said sum, the said council deeming it advisable to extend payment for the same over a period of twenty years by the issue of debentures bearing interest at four per cent. per annum, extending over a period of twenty years as aforesaid, repayable by annual instalments of both principal and interest, such instalments to be so arranged that the aggregate amount of principal and interest payable in any one year shall be equal to what is payable for principal and interest in each of the other years during the said term.

4. And whereas the total amount to be raised annually by special rate sufficient therefor on all rateable property of the municipality for paying the said debt and interest will be the sum of \$735.80/100 dollars each year during the said period of twenty years.

5. And whereas the amount of the whole rateable property (liable for taxation for such purpose) of the municipality, according to the last revised assessment roll, is the sum of \$437,424.

6. And whereas the whole debenture debt of the municipality amounts to \$16,987.62, of which no portion of principal or interest is in arrears.

1. Be it therefore enacted by the municipal council of the corporation of the Town of Aurora as follows :—That a bonus of ten thousand dollars is hereby granted by the Town of Aurora to Messrs. Underhill & Sisman to aid them as aforesaid, and that the mayor is hereby authorized and required to issue debentures of the said corporation to the amount of ten thousand dollars, which shall be marked and known as the “Underhill & Sisman debentures,” and shall be in sums of not less than one hundred dollars each, and shall be sealed with the corporate seal of the said corporation and signed by the mayor and treasurer thereof, and shall be payable within twenty years from the day hereinafter mentioned for this by-law to come into effect, at the office of the treasurer of the Town of Aurora, with interest at four per cent. per annum, as follows :—The said principal sum in twenty annual instalments and the interest at the rate aforesaid annually during said term, the aggregate amount of such instalments of principal and annual payments of interest shall be the sum of \$735.80/100 dollars.

2. For the purpose of paying the said sum of \$10,000, and to cover interest on the said amount as aforesaid, the sum of \$735.80/100 dollars shall be levied by a special rate over and above all other rates in the same manner and at the same time as other taxes are levied, upon the whole rateable property of the said town liable to be rated therefor in each year, for the period of twenty years from the date hereinafter mentioned for this by-law to take effect, during which the said debentures have to run.

3. That this by-law shall come into force and take effect on the 28th day of May, 1901, if sufficiently assented to by the electors of this corporation legally qualified to vote thereon.

4. This by-law shall be submitted for the assent of the electors of the said Town of Aurora under the provisions of *The Municipal Act*, on Monday, the 25th day of February, 1901. The poll will be opened at the hour of nine o'clock in the forenoon and remain open until five o'clock on the afternoon of the same day, to take the votes of the qualified electors of the said municipality on said by-law.

5. The places for taking said votes, and the deputy returning officers of the several wards of the said town, shall respectively be as follows :—

For North Ward, polling place, Mrs. Andrews' shop ; deputy returning officer, P. T. Bond.

For Centre Ward, polling place, town hall ; deputy returning officer, S. H. Lundy.

For South Ward, polling place, Wilson's shop ; deputy returning officer, H. D. Lundy.

6. That on Tuesday, the 19th day of February, 1901, at the hour of eight in the afternoon, at the council chamber of the said town, the mayor shall appoint, in writing, the persons to attend at the polling places and at the final summing up of the votes, on behalf of the persons interested in and promoting or opposing respectively the passing of this by-law.

7. That the clerk of the said municipality shall attend at the council chamber in said town at twelve o'clock in forenoon on Wednesday, the 27th day of February, 1901, to sum up the votes given for and against this by-law.

Passed March 4th, 1901.

[L.S.]

(S'gd) S. H. LUNDY,  
Clerk.

(S'gd) F. T. DAVILLE,  
Mayor.

## SCHEDULE B.

### BY-LAW No. 193.

To Authorize the Town of Aurora to exempt Messrs. Underhill & Sisman (who are now carrying on the business of manufacturing boots and shoes in the Village of Markham in the County of York, and who are about to remove their plant and machinery and carry on the said manufacturing business in the Town of Aurora) from all municipal taxation (excepting school taxes), for a period of ten years from the time hereinafter fixed for this by-law to come into effect, on all lands, building and plant owned, used and occupied by them in their business of manufacturing boots and shoes in the said Town of Aurora, and to provide them all water actually required by them in their said business free of cost for a term of ten years.

And whereas the said manufacturing firm of Underhill & Sisman have decided to remove their plant and works from the Village of Markham under any circumstances, and, having expressed a desire to locate their said business in the said Town of Aurora, have asked the said corporation of the said Town of Aurora to exempt them from all municipal taxation, except school taxes, for the said period of ten years, and also to provide them water free of expense for a period of ten years to enable them to carry on their business of manufacturing boots and shoes as aforesaid.

Therefore the municipal corporation of the Town of Aurora enacts as follows :—

1. That the said manufacturing firm of Underhill & Sisman be and are hereby exempted from all municipal taxation, excepting school taxes, for a period of ten years from the time hereinafter fixed for this by-law to come into effect on all lands, buildings and plant owned, used and occupied by said firm in their business of manufacturing boots and shoes in the Town of Aurora.

2. That said firm of Underhill & Sisman are hereby entitled to the privilege of using all water, free of all cost, actually required by them in carrying



carrying on their said business of manufacturing boots and shoes in the said Town of Aurora for the period of ten years from the date hereafter fixed for this by-law to come into effect.

3. This by law shall come into force and take effect on the 28th day of May, 1901, if previously assented to by the electors of this corporation legally qualified to vote thereon.

4. This by-law shall be submitted for the assent of the electors of the said Town of Aurora, under the provisions of *The Municipal Act*, on Monday, the 25th day of February, 1901. The poll will be open at the hour of nine o'clock in the forenoon and continuing till five o'clock in the afternoon of the same day, to take the votes of the qualified electors of the said municipality on the said by-law.

5. The places for taking the said votes and the deputy returning officers of the several wards of the said town shall respectively be as follows,—

For North Ward, polling place Mrs. Andrew's shop, deputy returning officer, P. T. Bond.

Centre Ward, polling place, town hall, deputy returning officer, S. H. Lundy.

South Ward, polling place, Wilson's shop, deputy returning officer, H. D. Lundy.

6. On Tuesday, the 19th day of February, 1901, at the hour of eight o'clock in the afternoon at the council chamber of the said town, the mayor shall appoint in writing the persons to attend at the polling places and at the final summing up of the votes, on behalf of the persons interested in and promoting or opposing, respectively, the passing of this by-law.

7. That the clerk of the said municipality shall attend at the council chamber in the said town at twelve o'clock noon, on Wednesday, the 27th day of February, 1901, to sum up the votes given for and against this by-law.

Passed March 4th, 1901.

[L.S.]

(S'gd) S. H. LUNDY,

(S'gd) F. T. DAVILLE,

Clerk.

Mayor.

## SCHEDULE C.

This Indenture made in duplicate the twenty-fourth day of April, in the year of our Lord, one thousand nine hundred and one, between F. Underhill and T. Sisman, of the Village of Markham, in the County of York, carrying on business of manufacturing boots and shoes under the name, style and firm of Underhill & Sisman, hereinafter called the "Manufacturers," of the first part, and the Corporation of the Town of Aurora, hereinafter called the "Corporation," of the second part,

Whereas the said manufacturers have heretofore been carrying on the business of manufacturing boots and shoes at the Village of Markham, in the County of York, and had decided in any event to remove their said factory from Markham aforesaid and have now resolved to locate the same at the said Town of Aurora.

And whereas the said corporation being satisfied that it was and is the determination of the said manufacturers in any case to remove from Markham aforesaid, has agreed to grant to them, the said manufacturers, a bonus of ten thousand dollars payable in cash, and to exempt the said manufacturers

manufacturers from all taxes and other assessments (except school taxes) for a period of ten years from the time hereinafter stated, and also to provide the said manufacturers with all water and water supply as may be required by them, the said manufacturers, in the said business for the said period, and also to deliver such water in sufficient pipes or conduits at the buildings that may be erected on the premises of the said manufacturers, free from all costs, and upon the terms and conditions hereinafter mentioned.

And whereas, on the fourth day of March last, a by-law was passed by the said corporation, granting to the said manufacturers a bonus of ten thousand dollars for the purposes therein stated.

And whereas, on the said fourth day of March a by-law was passed by the said corporation granting to the said manufacturers exemption from all taxes (except school taxes) for a period of ten years, as therein provided; and also providing that the said manufacturers should be supplied with all water required by them, the said manufacturers, in their said business, free of cost and for the purpose provided for in said by-law.

Now therefore this indenture witnesseth that the said parties do hereby mutually agree to and with each other as follows;

1. The corporation agrees to give and grant to the manufacturers, their successors and assigns, a bonus of ten thousand dollars, payable as hereinafter set out, exemption from all taxes, rates or assessments, for a period of ten years from the date of the final payment of the said bonus to the manufacturers, (except school taxes) and to provide them the said manufacturers with all water that may be required by them in connection with the said business, supplied as aforesaid, free of cost, as provided for by the said by-law, for a term of ten years from the date of the final payment of the said bonus to the said manufacturers.

2. The manufacturers agree that they will as soon as possible after this agreement is executed, purchase a suitable site within the corporation of the Town of Aurora, and proceed with all proper diligence to erect thereon all necessary buildings to the value of at least \$5,000 suitable for a factory for the manufacturing of boots and shoes, said building to include a solid brick building 49 ft. x 100 ft., consisting of two flats and a basement, and brick boiler and engine room separate and adjoining thereto. And also that they will put and place therein all necessary plant and machinery to the value of at least \$6,000 suitable for said business of manufacturing boots and shoes, and of such a character and capacity that to carry on the same will require the employment of at least seventy employees daily (Sundays and legal holidays excepted) as hereinafter provided, who will be employed in and about said factory and who shall be and become residents of said Town of Aurora in as far as there is good and sufficient accommodation for them in said town. It is hereby agreed that employees shall be considered residents within the meaning of this clause if they and their families (if any) are permanently residing in Aurora within six months after they commence working in said factory.

3. The manufacturers agree that they will carry on the business of manufacturing boots and shoes in the said Town of Aurora in their said factory, or other buildings of equal value suitable therefor, for the period of ten years from the time they have completed their said building and commenced the manufacturing of boots and shoes as aforesaid, unless in case of fire or in case of accident to machinery, strikes, or for any other necessary reason as shall render such interruption unavoidable, and in any such case operation shall be resumed as soon as possible thereafter, not exceeding eight months in case of total loss by fire, and in case any interruption by total fire as aforesaid shall be for a longer period than three months in any year, the said manufacturing business shall be continued and carried on after the said term for a period equal to the time of interruption over and above three months, and in case of any such interruption from a cause as aforesaid, other than from total loss by fire, shall be for a longer period than two months in any year, the said manufacturing business

business shall be continued and carried on after the said term of ten years for a period equal to the time of interruption over two months.

4. The manufacturers agree with the corporation that they will give the corporation a first mortgage for \$10,000, on their land, site, building, and all their interest in their plant and machinery therein contained, clear of all dowers, claims, liens, charges and incumbrances of any kind, for the performance of all the covenants and agreements herein contained on the part of the manufacturers, and shall provide that for every year that the manufacturers fulfil and carry out all the covenants and agreements herein contained on their part, they shall be entitled to a proportionate amount of credit as one is to ten on said mortgage; that is to say, as each year from the date thereof elapses the said mortgage shall be deemed to be paid and satisfied to the extent of the sum of \$1,000, and the manufacturers shall, if they require it, be entitled to a partial discharge of the said mortgage to such extent, and at the end of ten years a complete discharge. And if the said manufacturers should not demand or receive such partial discharge at the end of each year, they shall nevertheless be regarded as having satisfied so much of the mortgage, and no previous or past breach or breaches, if any, shall be considered in connection with the said mortgage unless notice in writing of same be given by the said corporation within thirty days from the termination of each year, but if for any one year they fail to carry out all the covenants and agreements on their part, or any of them, then the balance thereof, after deducting any amount to which they may be entitled to or have received credit for as aforesaid, shall at once become due and payable and the corporation shall be absolutely entitled to recover the same, and in case of any interruption in carrying on the factory by reason of total loss by fire for a longer period than three months, or of any of the other causes, in the third paragraph hereof mentioned, for a longer period than two months, they shall only be entitled to a credit for a proportionate part of that year, and the balance stand over to the end of the term when it may be earned on the same terms and conditions. The said mortgage shall be in the usual statutory form, and shall contain amongst other clauses a clause whereby the manufacturers agree to insure and keep insured during any period said mortgage remains in force, in full or for any part thereof, against loss or damage by fire, their building, plant and machinery, to an amount of not less than any amount or amounts that they be due from time to time to said corporation under and by virtue of said mortgage, said insurance to be in such proportions upon said buildings, plant and machinery as may be required by the said corporation, and the said manufacturers agree to pay all premiums and sums of money necessary for said purpose as the same shall become due, and will make loss payable to the corporation as their interests may appear, and exhibit when required to the corporation all policies of insurance, receipt or receipts thereto appertaining, and if they fail to do so and the said corporation shall pay any premiums or sums of money for insurance of the said premises, or any part thereof, the amount of any such payment, with interest at the rate of six per cent. per annum from the time of such payment, shall be repayable to them forthwith, and in no case shall the said insurance on the said buildings, plant and machinery be for a less amount than five thousand dollars. In event of loss by fire the manufacturers to have a right to require the corporation to expend such insurance money received by them in rebuilding.

5. The manufacturers agree with the corporation that they will, for and during the said period of ten years, employ in the said Town of Aurora, in and about the said manufactory and in connection with their said business of manufacturing boots and shoes in said Town of Aurora, for at least ten months in every year, seventy employees (all of whom must be residents of Aurora, excepting as aforesaid) each working day, and that they will furnish if demanded by the corporation on or before the first day of August in each year of said period a statutory declaration by a member of the firm, showing the number of hands employed

by



by them during the preceding year. Nothing herein contained shall render it necessary for the manufacturers to employ the said number of hands during any stoppage or interruption of the business as in the preceding paragraph of the agreement mentioned. It is understood and agreed that the average daily number of hands employed by said manufacturers during ten months in any year shall be taken and accepted by the corporation in satisfaction of the provisions of this clause as to the number of hands to be employed daily by said manufacturers, and further that the manufacturers shall have the right to number as employees and amongst the number aforesaid any of the members of the families of the respective partners.

6. And the corporation also agrees to allow said manufacturers to employ a number of employees, not exceeding ten per cent. of the number employed, who need not be residents of the said town within the meaning of this clause provided they or their families reside outside a radius of twenty miles from said Town of Aurora.

7. If, however, the manufacturers request them so to do, the corporation agrees, upon the manufacturers purchasing the necessary site for said factory and executing and delivering to the corporation the mortgage herein provided for, to advance the manufacturers from time to time as the work done on said factory progresses, seventy-five per cent of the value of the work done from time to time as shown by the progress certificates of the person in charge of said building or factory. And the said corporation shall be at liberty to demand and receive a statutory declaration made by said manufacturers, stating that the progress certificate furnished by them, or the person in charge of factory or building are true and correct, and that the sum claimed by the manufacturers is fairly and properly payable for the building by said corporation, and that all moneys previously received by the said manufacturers from said corporation has been actually paid out on account of said buildings in accordance with the terms of this agreement.

8. The corporation agrees to pay over to the manufacturers the said bonus of \$10,000, less any sum or sums paid to the said manufacturers by said corporation under and by virtue of the paragraph number seven, on account of the said building, within thirty days after the manufacturers have performed their covenants and agreements contained in second paragraph hereof, and have executed and delivered over to the said corporation, the mortgage herein provided for.

9. Provided the said manufacturers carry out their covenants and agreements herein contained, the manufacturers' said site and factory, and all plant, machinery, appliances and stock used in connection therewith shall be exempt from all municipal taxes or other assessments (except school taxes) for a period of ten years from the final payment to the manufacturers of the said cash bonus, and in case of any dispute as to whether the manufacturers are entitled to the exemptions, the question may, in addition to all other methods of deciding the same, be determined in a summary way by any one of the county judges upon the application of either party, costs of which to be left to the discretion of the judge.

10. That if at any time, any part of said factory, lands, buildings, plant, machinery and appliances used in connection with said manufacturing business shall cease to be used by them in said manufacturing business or in connection therewith, then such part of said factory, lands, buildings, plant, machinery and appliances as shall so cease to be used, shall be assessed separately and full taxes paid thereon as long as they cease to be used in said manufacturing business.

11. Any joint stock company which may be incorporated and which may take over the manufacturers' factory and business, and any firm or person succeeding the said manufacturers in said business, shall be entitled to the same privileges and exemptions as the said manufacturers are entitled

entitled to under this agreement and shall be subject to the same terms and conditions.

12. If the manufacturers, during said period of ten years, remove their factory and business to another site in the said Town of Aurora, they shall be entitled to the same exemptions thereon for the substituted site and buildings erected thereon, and plant and machinery placed therein, for the balance of the said period, and the site from which they remove, together with all buildings, plant and machinery thereon, shall, unless the same are continued to be used in connection with said business of manufacturing boots and shoes as aforesaid, be liable to taxation and to pay taxes in the ordinary way, from the date of such removal.

In witness whereof the parties of the first part have hereunto set their hand and seal the day and year first above written, and the corporation has hereto fixed its corporate seal.

Signed, sealed and delivered }  
in the presence of

A. McLEAN MACDONALD. }

UNDERHILL & SISMAN. [Seal]

F. T. DAVILLE,  
Mayor.

S. H. LUNDY, [Seal]  
Clerk.

## CHAPTER 40.

## An Act to confirm By-law No. 247 of the Village of Beamsville.

*Assented to 12th June, 1903.*

**W**HEREAS the Corporation of the Village of Beamsville Preamble.  
 has by petition represented, that on the 18th day of September, 1884, the Council of the said Corporation passed a by-law empowering William Gibson to lay down a tramway through certain streets in the said village; that by chapter 55 of the Acts passed in the 48th year of the reign of Her late Majesty Queen Victoria, the consent of the Corporation of the Village of Beamsville to the construction of the said tramway under the terms of the said by-law was thereby declared to be binding, legal and valid; that The Hamilton, Grimsby and Beamsville Electric Railway Company and the Corporation of the Village of Beamsville have requested the said William Gibson to release and abandon the rights, franchises and privileges enjoyed by him under and by virtue of the said by-law and the said Act upon that portion of King Street in said village upon which his said tramway is now laid, and the said William Gibson agreed to do so upon the passing by the council of said village of the by-law set out as Schedule A to this Act, and upon the confirmation and validation of such by-law by an Act of the Legislative Assembly of the Province of Ontario; and whereas the said Corporation of the Village of Beamsville has petitioned that an Act be passed to confirm the said last mentioned by-law, and it is expedient to grant the prayer of the said petition;

Therefore, His Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The consent of the Corporation of the Village of Beamsville to the construction, use and operation of the said tramway by the said William Gibson, upon the several streets specified in By-law No. 247 of the said Corporation set forth as Schedule A to this Act is declared to be legal, valid and binding in all respects upon the said corporation, inhabitants and property holders of the said village and all other persons whomsoever. The consent of the village declared to be legal.



Agreement  
validated.

2. The covenants, agreements and stipulations by and on the part of the said Corporation of the Village of Beamsville, made and contained in the agreement bearing date the 3rd day of April, 1903, by and between the said William Gibson, the said Company and the said village Corporation, set out as Schedule B to this Act, are declared to be legal, valid and binding in all respects upon the parties thereto.

Corporation  
to have the  
same rights  
as Municipal  
Council.

3. The rights, liabilities, obligations and duties of the said William Gibson and the said corporation by reason of the passing of the said By-law No. 247 shall be the same and no greater or less than if the municipal council of the said corporation had at the time of the passing of the said by-law the same authority for granting the powers and rights thereby granted to the said William Gibson as were then possessed by township councils.

Rights of the  
Baptist  
Church  
preserved.

4. Nothing in this Act or in the said by-law contained shall prejudicially affect the rights of the Regular Baptist Church of the Village of Beamsville to any of the property over which the said tramway is or may be laid under the authority of the said by-law or this Act, and nothing in this Act contained shall affect the rights of parties to any litigation pending at the time of the passing of this Act.

## SCHEDULE A.

### BY-LAW NUMBER 247.

A By-law authorizing William Gibson to lay down, use and operate a tramway in the Village of Beamsville and to exempt the same from municipal taxation.

Whereas by By-law number 49 of this Corporation passed on the eighth day of September, 1884, entitled, "A By-law granting leave to William Gibson to lay down a horse-tramway through the Village of Beamsville" the said William Gibson was authorized and empowered to lay down and use a horse-tramway from the south limit of the said Village of Beamsville by the way of Hixon, Mountain, King and Ontario streets to a point on Ontario street a little south of the Cruickshank lane for such term or period of time as the said tramway should be needed and used to transport stone from the quarries of the said William Gibson in the Township of Clinton to the Railway Station of the Grand Trunk Railway at the said Village.

And whereas in pursuance of the powers granted to him under the said By-law the said William Gibson proceeded to lay down and complete said tramway upon and over the streets named in said By-law and has since the construction of said tramway continuously used and is now using the same for the purpose of transporting stone from his quarries in the said Township of Clinton to the said Railway Station.

And whereas by Chapter 55 of the Acts of the Legislative Assembly of the Province of Ontario passed in the 48th year of the reign of Her late Majesty

Majesty Queen Victoria the consent of this Corporation to the construction of the said tramway under the terms of the said By-law was thereby declared to be binding, legal and valid in all respects upon this Corporation and the inhabitants and property holders of the said Village and all other persons whomsoever, and the acts of the said William Gibson done under the said By-law in the construction of the said tramway was thereby declared to be legal and valid.

And whereas the Hamilton, Grimsby and Beamsville Electric Railway Company (hereinafter called the Company) has applied to this Corporation for permission and authority to continue and construct its line of railway, having its present terminus in the said Village of Beamsville, upon and along that portion of King street, in said Village, upon which the tramway of the said William Gibson is now laid and being operated, and such permission and authority was granted by this Corporation to the Company by By-law Number 238 of the Corporation, passed on the 25th day July, 1902, subject to the rights and privileges theretofore granted to all persons, firms and corporations over said highway.

And whereas this Corporation and the Company have requested the said William Gibson to release to this Corporation and abandon all rights, franchises and privileges which he now holds or enjoys under and by virtue of said By-law No. 49 of this Corporation and the said Act of the Legislative Assembly of the Province of Ontario upon and in respect of that portion of King street on and along which his said tramway is now laid and being operated, in order that the Company may continue and construct its line of railway upon and along said portion of King street, and to obviate the inconvenience of a second track upon said portion of King street, and the said William Gibson has offered to release his said rights, privileges and franchises on said portion of King street upon certain terms agreed on between said William Gibson, the Company and this Corporation, and upon the Council of this Corporation passing a By-law granting him permission and authority to lay down, construct, use and operate a tramway for the purpose of transporting stone from his quarries in the Township of Clinton through the said Village to the Railway Station of the Grand Trunk Railway at the said Village for the period of twenty-one years, and for such further time as the said tramway shall be needed and used by the way or route shown in the Map or Plan attached to this By-law, and hereinafter in this By-law more particularly defined, and exempting from taxation for a period of twenty-one years the said tramway and all motors, cars, rolling stock, and other appliances used in connection therewith, and upon such By-law being confirmed and validated by the Legislative Assembly of the Province of Ontario.

And whereas this Council is of opinion that the said tramway can be used without interfering with the travel and business of the Village and will save the streets and highways from the severe wear and tear which would be caused by hauling heavy loads of stone in wagons over them, and that the continued operation of the quarries of the said William Gibson and of said tramway is and will be highly conducive to the prosperity of said Village.

Therefore the Council of the Corporation of the Village of Beamsville enacts as follows :—

1 The consent, permission and authority of this Council are hereby granted to the said William Gibson to lay down, construct, maintain, use and operate a tramway from the southerly limit of the Village of Beamsville by the way of Hixon and Mountain streets to a point on Mountain street at or near its intersection with the street known as the continuation or extension of Church street west of Mountain street, thence across said continuation of Church street and over the lands of the said William Gibson, as shown in the map or plan attached to and forming part of this By-law to the southerly limit of King Street, thence across King street to and along and by the way of Ontario street to a

point

point on Ontario street a little south of the Cruikshank lane for the term or period of twenty-one years from the passing of this By-law and for such further time as the said tramway shall be needed and used for the purpose of conveying and transporting stone from his quarries in the said Township of Clinton to the Railway Station of the Grand Trunk Railway Company at the said Village of Beamsville.

2. That in the operation and use of the said tramway the said William Gibson shall be permitted to use any motive power thereon except steam power.

3. That the said tramway and the motors, cars, rolling stock and all appliances connected therewith or appurtenant thereto shall be exempt from Municipal taxation (save and except taxation for school purposes) for the period of twenty-one years from the passing of this By-law.

4. That all rights, franchises and privileges granted to the said William Gibson in this By-law are hereby extended to his Executors, Administrators and Assigns, and to any person, firm, Company or Corporation to whom or to which the said William Gibson shall assign or transfer the said tramway and the rights, franchises and privileges hereby granted.

5. That nothing in this By-law contained shall be held or construed to in any way impair or affect the rights and privileges of the said William Gibson under and by virtue of the said By-law number 49 of this Corporation and said Act of the Legislative Assembly of Ontario confirming and validating the same until this By-law shall have been confirmed by Act of the Legislative Assembly of the Province of Ontario and the said William Gibson shall have by deed executed to the Corporation released his rights under and by virtue of said By-law number 49.

6. That the Reeve and the Clerk of this Corporation are hereby authorized and empowered to sign, execute and deliver on behalf of this Corporation a certain agreement in triplicate between the said William Gibson, the Company and this Corporation relating to the matters referred to in the recitals to this By-law.

Adopted and passed this third day of April, 1903.

Sgd. G. S. KARR,  
Reeve.

Sgd. H. V. ROBINS,  
Village Clerk.

## SCHEDULE B.

This agreement made in triplicate the third day of April in the year of our Lord 1903, Between the Honorable William Gibson of the Village of Beamsville, in the County of Lincoln, Contractor, of the first part; the Hamilton Grimsby & Beamsville Electric Railway Company, (hereinafter called the Company) of the second part, and the Corporation of the Village of Beamsville, (hereinafter called the Corporation) of the third part.

Whereas by By-law number 49 of the Corporation passed on the 8th day of September, 1884, entitled "A By-law granting leave to William Gibson to lay down a horse-tramway through the Village of Beamsville" the said William Gibson was authorized and empowered to lay down and use a horse-tramway from the south limit of the said Village of Beamsville by the way of Hixon, Mountain, King and Ontario streets to a point on Ontario street a little south of the Cruikshank lane for such term or period

of



of time as the said tramway shall be needed and used to transport stone from the quarries of the said William Gibson in the Township of Clinton to the railway station of the Grand Trunk Railway at the said Village.

And whereas in pursuance of the powers granted to him under the said By-law the said William Gibson proceeded to lay down and complete said tramway upon and over the streets named in said By-law, and has since the construction of said tramway continuously used and is now using the same for the purpose of transporting stone from his quarries in the said Township of Clinton to the said Railway Station.

And whereas by Chapter 55 of the Acts of the Legislative Assembly of the Province of Ontario passed in the 48th year of the reign of Her late Majesty Queen Victoria the consent of the Corporation to the construction of the said tramway under the terms of said By-law was thereby declared to be binding, legal and valid in all respects upon the Corporation, inhabitants and property holders of the said Village and all other persons whomsoever, and the acts of the said William Gibson done under the said By-law in the construction of the said tramway were thereby declared to be legal and valid.

And whereas the Company has applied to the Corporation for permission and authority to continue and construct its line of railway having its present terminus in the said Village of Beamsville upon and along that portion of King street in said village upon which the tramway of the said William Gibson is now laid and constructed and being operated, and such permission and authority was granted by the Corporation to the Company by By-law Number 238 of the Corporation passed on the 25th day of July, 1902, subject to the rights and privileges theretofore granted to all other persons, firms and corporations over said highway.

And whereas the Company and the Corporation have requested the said William Gibson to release to the Corporation all rights, franchises and privileges which he now has or holds under and by virtue of said By-law Number 49 of the Corporation and the said Act of the Legislative Assembly of the Province of Ontario upon and in respect of that portion of King street in the said Village upon and along which his tramway is now laid and constructed, in order that the Company may continue and construct its line of railway upon and along said portion of King street and to obviate the inconvenience of a second track upon said street.

And whereas for the purpose of effecting the object aforesaid the Council of the Corporation has this day passed a By-law numbered 247 authorizing and empowering the said William Gibson to lay down, construct, use and operate a tramway through the said Village of Beamsville by a route in part different from that of his present tramway for the purpose of conveying stone from his quarries in the Township of Clinton to the Beamsville Station of the Grand Trunk Railway Company upon and along the streets or highways and over and along the route or way in the said By-law more particularly defined and as shown by the map or plan attached to the said By-law and to this Agreement for the period of twenty-one years, and has by the said By-law granted other privileges to the said William Gibson.

And whereas the Company has agreed with the said William Gibson to purchase and convey to him such lands as shall be required for the purpose of connecting his said tramway as it is at present used on Mountain street from a point on said Mountain street at or near its intersection with the street known as the continuation or extension of Chnrch street west of Mountain street by and over the route or way shown on the map or plan hereto annexed and connecting with his tramway as at present used on Ontario street.

And whereas the Company and the Corporation have agreed with the said William Gibson to do and perform the several acts, matters and things in this Agreement contained.

Now

Now This Agreement Witnesseth that the Company hereby covenants and agrees to and with the said William Gibson in manner following, that is to say :—

1. The Company will forthwith acquire by purchase and convey to the said William Gibson an indefeasible estate in fee simple in any lands owned by private persons, municipal or ecclesiastical corporations and required for the purpose of laying and constructing his said tramway from a point on the line of and connecting with his present tramway on Mountain street, at or near its intersection with the street known as the continuation or extension of Church street west of Mountain street, thence across said continuation or extension of Church street and over and along the lands and by the route or way shown in the map or plan attached to and forming part of this Agreement to the southerly limit of King street immediately opposite the southerly end of Ontario street, and thence across King Street to connect with the line of the said William Gibson's present tramway on Ontario street, the land to be so conveyed being shown on the annexed map or plan by the shaded portion thereof.

2. The Company will forthwith lay down and construct the said tramway from the point on Mountain street mentioned in the preceeding paragraph hereof over and along the lands and by the route or way shown in the annexed plan to and connecting with the tramway of the said William Gibson as at present used at the southerly end of Ontario Street. The said tramway shall follow the route or curvature shown in the said annexed plan and shall be built under the superintendence of the Company's engineer but subject to the inspection and approval of the said William Gibson or his agent and all directions of the said William Gibson or his agent with respect to the road bed of said tramway and sidings and the ballasting thereof, and the laying of the rails thereon shall be strictly conformed to and sidings and switches shall be laid and placed where and in such manner as directed by said William Gibson or his agent. The grading of the said tramway between the said points shall be such as to allow the cars used thereon to run or descend by gravitation and without any motive power, from the northerly limit of said street known as the continuation of Church Street west of Mountain Street to King Street and shall be done to the satisfaction of said William Gibson or his agent. The said William Gibson shall supply the rails for said tramway but the Company shall haul or convey said rails to the work and the ties and all other materials required are to be supplied by the company. The Company shall erect on each side of said tramway and on the easterly and westerly limits of the lands so to be conveyed as aforesaid and as defined in said plan, a substantial close board fence of legal height according to by-laws of said Village or Statute law.

3. The work of laying and constructing the said tramway shall be done in a thoroughly first-class manner and to the satisfaction of the said William Gibson or his agent and where the same crosses said street known as the continuation of Church Street west of Mountain Street and also King Street the track shall be flush with the street both inside and outside and shall be ballasted between the rails and for a distance of three feet on the outside thereof with stone ballast or macadam to the satisfaction of the Council of the Corporation and the Company will during the whole period of time mentioned in said By-law number 247 for which the privileges thereby conferred are granted, keep and maintain the said crossings over said streets in a thoroughly safe and efficient condition for the purposes of the said William Gibson.

4. That in case the Company shall be unable to procure a conveyance in fee simple to the said William Gibson of any portion or portions of the said lands required for the purpose aforesaid and defined in said plan and the said William Gibson shall consent or agree to accept a lease for years or any less estate than the fee simple in said portion or portions of land then in every such case the Company will pay the yearly or other rent stipulated for in said lease or leases and in any renewal or renewals thereof

thereof to the lessors thereof as and when said rent or rents respectively become due and the Company will agree with said lessor or lessors to pay said rent or rents as aforesaid and will obtain from said lessor or lessors a release or releases to said William Gibson of any liability therefor.

5. That the Company will forthwith upon demand pay to the said William Gibson all solicitors and counsel fees, costs and charges which he shall incur or be put to for or by reason of the said change in the line of his present tramway and the substitution thereof of the line or route defined in said By-law No. 247 and shown in the said annexed map or plan and all engineers' and surveyors' fees and all charges and disbursements necessarily and reasonably incident thereto and also all solicitors and counsel fees, costs, charges and disbursements incident to or necessitated by an application to be made as hereinafter provided to the Legislative Assembly of the Province of Ontario to confirm and validate the said By-law No. 247 of the Corporation. The company agrees to make such application at the present sitting of the said Legislative Assembly in the name of the Corporation and pay all expenses that may be incurred in so doing.

6. That the Company will not attempt to interfere with the present tramway of the said William Gibson on King Street or Mountain Street in said village, nor attempt to lay or construct its line or railway on King Street until they have received the written consent of the said William Gibson or his solicitors so to do, which consent is to be given upon compliance by the Company with the terms of this Agreement.

7. That from and after the construction of the said new tramway the cars and motors of the said William Gibson thereon shall at all times when crossing King Street aforesaid have the prior right of way over the cars, trains or motors of the Company, and the cars, trains or motors of the Company shall not at any time be allowed to stand upon the said tramway or so near thereto as to interfere with the free passage of cars or motors upon and along said tramway.

8. That the Company shall indemnify and save harmless the said William Gibson at all times from all loss, damage, costs, charges and expenses of every nature and kind whatsoever which he may incur, or be put to or have to pay by reason of the laying down and construction of the said new or connecting tramway and should the said William Gibson incur, pay or be put to any such loss, damage, costs, charges or expenses, the Company will forthwith upon demand repay the same to the said William Gibson. This covenant shall apply not only to any claim, demand, action or suit at law touching or arising out of or in respect of any injury or or damage to any person or property by reason of the construction of the said new or connecting tramway, but also to any monies which the said William Gibson shall at any time pay by way of damage, compensation or purchase money for the perfecting or completion of his title to the said lands or any part thereof and whether such payment by said William Gibson shall be voluntary or by reason of a judgment in any action or suit at law.

9. The Corporation hereby covenants and agrees to and with the said William Gibson and the Company that the Corporation will forthwith do all necessary acts required by law for closing or declaring closed that portion of the original allowance for road between lots 16 and 17 in the 3rd Concession of the Township of Clinton within the limits of which the lands to be conveyed to the said William Gibson as aforesaid or any part thereof lie and for conveying under the provisions of *The Municipal Act* to the person or persons respectively owning the lands adjoining or adjacent to the said original road allowance such parts of the said road allowance as to the Council of the Corporation may seem just and reasonable, in order that a good title to the lands proposed to be conveyed to the said William Gibson, as aforesaid, may be vested in him.

10. And the Corporation covenants and agrees to and with the Company and said William Gibson, that it will apply to the Legislative Assembly



Assembly of the Province of Ontario at the present session thereof, for an Act of the said Legislative Assembly confirming and validating By-Law No. 247, of the Corporation, this day passed by the Council thereof, and that the Company may by its solicitors give all necessary notices and publish all necessary advertisements and make such application in the name and on behalf of the Corporation, but at the sole expense of the Company.

11. And said William Gibson hereby covenants and agrees to and with the Company and the Corporation, that he will, when and so soon as the said new tramway shall be completed as aforesaid and ready for the running of his cars thereupon, and when the said By-Law No. 247 shall have been confirmed by Act of the Legislative Assembly of Ontario as aforesaid, and the Company shall have in all other respects complied with the terms of this Agreement, release to the Corporation all rights and privileges which he now holds and enjoys, under and by virtue of said By-Law No. 49 of the Corporation on that portion of King Street upon which his present tramway is laid, and also upon that portion of Mountain Street lying between King Street and the point on said Mountain Street at which the said new or connecting tramway shall connect with the tramway of the said William Gibson on Mountain Street as at present used.

12. It is agreed by and between the said William Gibson, the Company and the Corporation that when and as soon as the Company shall be entitled under the terms of this Agreement to take up or remove the present tramway of said William Gibson on said portions of King Street and Mountain Street such taking up or removal and the restoration of the highway shall be done by and at the expense of the Company, and the said William Gibson shall incur no duty or liability whatever for or in respect thereof, and the ties or rails of said tramway on King and Mountain Streets shall be the property of the said William Gibson and shall be deposited by the Company where directed by said William Gibson or his agent.

13. The Company and the Corporation also covenant and agree to and with the said William Gibson that if for any reason whatever the Legislative Assembly of the Province of Ontario shall upon application being made thereto, fail or refuse to confirm and validate the said By-law number 247 of the Corporation, then and in such case the Company and the Corporation will forthwith restore and replace the said tramway on King and Mountain Streets as it is at present used and operated by the said William Gibson so that the same may at the earliest practicable time be used and operated by him as it is now.

14. The said William Gibson agrees with the Company, subject to the right or priority given to him by clause 7 of this agreement, that he will so operate his cars upon said tramway that so far as consistent with the proper management of his business, such cars shall not hinder or delay cars of the Company from passing across such tramway and that cars upon the tramway shall not at any time be allowed to stand upon the crossing of the company's railway with the tramway or so near thereto as to interfere with the free passage of cars and motors used by said Company over their tracks.

15. The Company agrees with the Corporation that where the said new tramway or connecting tramway crosses the street known as the continuation of Church Street west of Mountain Street and also King Street, the track shall be flush with the street both inside and outside and shall be ballasted between the rails and for a distance of three feet on the outside thereof with stone ballast or macadam to the satisfaction of the Council of the Corporation, and the Company will during the whole period of time mentioned in said By-law number 247 for which the privileges thereby conferred are granted, keep and maintain the said crossings over said streets in a thoroughly safe and efficient condition and to the satisfaction of said Council, and this covenant shall also apply to and include  
the

the sidewalks on both or either of said streets where said sidewalks shall be crossed by said tramway.

16. It is understood and agreed by and between the said William Gibson, the Company and the Corporation that all covenants and agreements herein contained and made by the Company or Corporation with the said William Gibson shall be read and construed as if made and entered into with the said William Gibson, his Executors, Administrators or Assigns, or any person, firm, Company or Corporation to which the said William Gibson shall assign and transfer the rights and benefits granted by the said By-law number 247, and that all covenants and agreements herein contained on the part of the Company shall bind its successors and assigns.

17. The Company further agrees to indemnify the Corporation against any costs, damages or expenses whatever in connection with the completion of this Agreement or of By-law number 247.

In witness whereof the said William Gibson has hereunto set his hand and seal, and the Reeve and Clerk of the said Municipal Corporation have hereunto set their hands and caused to be affixed the Corporate Seal of the said Municipal Corporation, and the proper officers of the Company in that behalf have hereunto set their hands and affixed the Corporate Seal of the Company.

Signed, sealed and delivered in the presence of

HUGH SINCLAIR.

WM. GIBSON.

CHAS. J. MYLES,  
President of the H. G. & B. E. Co.

HAMILTON, GRIMSBY & BEAMSVILLE ELEC. RY. CO.

GEO. E. WALLER,

: Seal of :  
: Company. :  
: .....

As to execution by Secretary.

Charles J. Myles and Geo. E. Waller.

JOHN C. GAULD.

: Seal of :  
: Village of :  
: Beamsville. :  
: .....

H. V. ROBINS,  
Village Clerk.

G. S. KARR,  
Reeve.

## CHAPTER 41.

## An Act to change the Boundaries of the Town of Berlin.

*Assented to 22nd May, 1903.*

Preamble.

WHEREAS the Municipal Corporation of the Town of Berlin has by petition represented that it is expedient to change the boundaries of the Town of Berlin by adding to the said town certain lands on the northerly side thereof and by detaching from the said town and adding to the adjacent Township of Waterloo certain other lands on the southerly side of the said town, such change being desired in order that the lands upon which the beet root sugar factory of The Ontario Sugar Company, Limited, is erected, may be comprised in and added to the said town, thereby making it legal for the said corporation to pay over to the said company the bonus of \$25,000 voted to the said company by the ratepayers of the said town; and whereas the effect of the change in boundaries asked for will be to decrease the area of the said town; and whereas there appears to be no opposition to the request of the said petition; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Boundaries  
changed.

1. The boundaries of the Municipal Corporation of the Town of Berlin are hereby changed by adding to the lands comprised within the limits of the said town the lands following, that is to say: All and singular that certain parcel or tract of land and premises situate lying and being in the Township of Waterloo, in the County of Waterloo, and Province of Ontario, being composed of parts of lots numbers 58 and 59 of the German Company Tract in said township and lots "F" and "G" as shown on plan No. 40 in the Registry Office of the said County of Waterloo, more particularly described as follows, that is to say: Commencing at the north-easterly angle of lot number 3 of the German Company Tract aforesaid, thence north sixty-four degrees thirty minutes east along the northerly limit of the County Industrial Farm twenty chains more or less to the easterly limit thereof, thence south thirty-eight degrees thirty minutes east along the same eleven chains and sixty links to the southerly limit of the lands of one Luft, thence north sixty-four degrees thirty minutes east along the same three chains and sixty-nine links to the westerly limit of lot "B" as shown on plan No. 40 aforesaid, thence north twenty-five degrees thirty minutes west along the said westerly limit and the westerly limits of lots "D" and "A" as shown on said plan forty-one chains to the southerly



southerly limit of lot number 59 of the German Company Tract in said township thence north sixty-four degrees thirty minutes east along the same twenty-two chains more or less to the centre line of the Grand River thence north-westerly along the same up stream nineteen chains and ninety links to the line of the northerly limit of the part of lot number 59 of the German Company Tract owned by one Hopp thence south sixty-four degrees thirty minutes west along the same thirty-four chains more or less to the centre line of Lancaster street thence southerly along said centre line to the westerly limit of lot number 58 aforesaid, thence south thirty-eight degrees thirty minutes east along the same to the place of beginning: And by detaching from the said town and adding to the adjacent Township of Waterloo all and singular that certain parcel or tract of land and premises situate and lying and being in the Town of Berlin in the County of Waterloo and Province of Ontario, being composed of part of lot number 1 of the German Company Tract and part of lot number 25 of J. Y. Shantz's Survey more particularly described as follows: Commencing at the south-easterly angle of lot number 1 of the German Company Tract aforesaid, thence north thirty-eight degrees thirty minutes west along the easterly limit of said lot fifty-six chains more or less to the northerly limit of said lot, thence south sixty-four degrees thirty minutes west along the northerly limit of said lot twenty chains more or less to the lands of one Snyder, thence south twenty-five degrees thirty minutes east along the same fifteen chains and twenty-three links to southerly limit of the lands of said Snyder, thence south sixty-four degrees thirty minutes west along the same five chains and seventy links to the easterly limit of Park lot number 25 of J. Y. Shantz's Survey thence south thirty-eight degrees thirty minutes east along the same eleven chains and forty-six links more or less to the centre line of the Natchez Road, thence south fifty-seven degrees west along the same eighteen chains and forty-seven links more or less to the centre line of King Street, thence south fifty-nine degrees east along the same nine chains and eighty-four links to the line of the southerly limit of aforesaid Park lot number 25. thence south fifty-seven degrees west along the same thirty-five chains more or less to an angle thereof, thence south thirty-eight degrees thirty minutes east along said Park lot number 25 and the easterly limit of the adjoining lot number 24 of J. Y. Shantz's Survey aforesaid, fourteen chains and eighty-four links to the southerly limit of lot number 1 of the German Company Tract thence north sixty-four degrees thirty minutes east along the same to the place of beginning.

2. For all purposes of municipal taxation the change of boundaries hereby effected shall be deemed to have been made on the first day of January, 1903.

When change  
of ward  
boundaries to  
take effect.

## CHAPTER 42.

## An Act to confirm a certain By-law of the Township of Bertie.

*Assented to 12th June, 1903.*

## Preamble.

WHEREAS the Municipal Corporation of the Township of Bertie, in the County of Welland, has by petition represented that a certain by-law, of the said Corporation of the Township of Bertie, being By-law No. 713 and finally passed by the municipal council of the said township on the 2nd day of April 1903, should be confirmed and made in all respects, legal and binding, in accordance with the intent and meaning thereof; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law No. 713 of the Township of Bertie confirmed.

1. By-law No. 713 of the Municipal Corporation of the Township of Bertie, set forth as Schedule A to this Act, is legalized, confirmed and declared to be legal, valid and binding notwithstanding anything in any Act contained to the contrary.

## SCHEDULE A.

## BY-LAW No. 713.

Whereas the Canadian Shipbuilding Company, Limited, (hereinafter referred to as the Company) propose to establish on the Niagara River, within the Township of Bertie, a shipyard, dry-dock and other industries, not already or elsewhere established in the Province of Ontario, at and upon a site in the said township suitable therefor;

And whereas it is advisable that a fixed assessment of the lands which shall be owned or used by the said Company, such lands being the east parts of lots 12, 13 and 14 in the 5th concession, N.R., and the west part of lot 9 in the 1st cross-concession, Bertie, containing in all 120 acres of land, more or less, as the site for its said shipyard, dry-dock and other industries, not already or elsewhere established in the Province of Ontario, and in connection therewith, shall be made;

Therefore, the Municipal Council of the Township of Bertie enacts as follows:—

1. From and after the 1st day of January, 1904, and continuously for the term of twenty years, the lands so owned or used by the said Company

pany within the said Township of Bertie, for or in connection with the said shipyard, dry-dock, and other industries, and all docks, buildings, machinery, plant, and personal property of the said Company, its successors or assigns, which shall be at or upon the said lands, during the said term, shall be assessed in each and every year of the said term pursuant to the provisions of *The Municipal Act* and *The Assessment Act* at the fixed sum of thirty thousand dollars, and the said sum of thirty thousand dollars is hereby fixed as the assessment and the taxable value of such property for and during the whole of the said term, being the lands hereinbefore mentioned, and the property situated thereon.

2. The Reeve and Clerk of the said Township of Bertie may, under the corporate seal of the municipality, execute and deliver to the said Company a contract providing for the said fixed assessment pursuant to this by-law.

3. The votes of the qualified electors and ratepayers of the said Township of Bertie, shall be taken on this by-law by the Deputy Returning Officers hereinafter named, on Wednesday the 18th day of March, 1903, commencing at the hour of nine o'clock in the forenoon, and continuing until the hour of five o'clock in the afternoon, at the undermentioned places :

PLACES	DEPUTY RETURNING OFFICERS
No. 1. Bowen School House S.S. No. 2.....	Wm. H. Spear.
No. 2. Garrison Road School House, S.S. No. 4..	Jesse G. Jansen.
No. 3. Township Hall, Ridgeway.....	Joseph Clark.
No. 4. Johnston's Hall, Stevensville.....	Paul H. Hendershot.
No. 5. McDonald's Hall, Ridgemount.....	Jas. E. Anger.
No. 6. Avery's Shoeshop, Ridgeway.....	John G. Rathvon.

4. On Thursday, the 12th day of March, 1903, E. O. Disher, Reeve of the said Township of Bertie, shall attend at the Township Hall of the said Township, in Ridgeway, at 10 o'clock in the forenoon, to appoint persons to attend at the various polling places and at the final summing up of the votes by the Clerk on behalf of the persons interested in and promoting or opposing the passing of this by-law respectively.

5. The Clerk of the said Township of Bertie shall attend at the said Township Hall at 12 o'clock, noon, on Thursday, the 19th day of March, 1903, to sum up the number of votes given for and against this by-law.

6. In the event of the Company not beginning substantial operations in the construction of the shipyards within one year from the date of the passing of this by-law, the same shall be void and of no effect.

7. This by-law shall take effect on the day of the passing thereof.

Dated at the Township Hall, in the Village of Ridgeway, Township of Bertie, this 5th day of February, 1903.

(Signed) E. O. DISHER,  
Reeve.

(Signed) A. H. KILMAN,  
Clerk.

Read a third time and passed in Council this 2nd day of April, A. D. 1903.

A. H. KILMAN,  
Clerk.

[Corporate Seal.]

E. O. DISHER,  
Reeve.



## CHAPTER 43.

## An Act respecting the Town of Bracebridge.

*Assented to 22nd May, 1903.*

## Preamble.

**W**HEREAS the Municipal Corporation of the Town of Bracebridge has by its petition prayed that an Act may be passed to confirm and legalize a by-law of the said corporation authorizing the council thereof to grant aid by way of a loan of \$15,000 to the persons therein named for the purpose of establishing a furniture and chair factory in the said town and to borrow the said sum of \$15,000 for the said purpose and to authorize the issuing of debentures therefor; and whereas before the final passing thereof the said by-law was submitted to a vote of the ratepayers in accordance with the provisions of *The Municipal Act*, and was approved by a large majority of the ratepayers of the said town (only four ratepayers voting against the said by-law), and was finally passed by the council of the said town; and whereas the said by-law was duly registered in the Registry Office for the District of Muskoka on the 13th day of June, 1902, and no application has been made to set aside or quash the same; and whereas the sale of the debentures to be issued under the said by-law will be facilitated if the said by-law is ratified and declared legal and binding on the municipality; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law  
No. 146 of  
Bracebridge  
confirmed.

1. By-law No. 146 of the Municipal Corporation of the Town of Bracebridge, set forth as a Schedule to this Act, is confirmed and declared legal, valid and binding from the date of the passing of the said by-law upon the Municipal Corporation of the Town of Bracebridge and the ratepayers thereof and upon all others mentioned in the said by-law, and the debentures issued or to be issued under the said by-law are hereby declared legal and binding upon the said municipality; and the said corporation is hereby authorized and empowered to do all necessary acts for the full and proper carrying out of the said by-law.

SCHEDULE

## SCHEDULE.

## By-Law No. 146.

A By-law to authorize the council of the corporation of the Town of Bracebridge to grant aid by way of a loan to the extent of \$15,000 for the purpose of establishing a furniture and chair factory in the said town and to borrow the said sum of \$15,000 for the said purpose, and to authorize the issuing of debentures therefor.

Whereas William Hess of the Town of Listowel, furniture designer and manufacturer, and Valentine Schinbein of Listowel, aforesaid furniture finisher, have agreed to erect and establish a furniture and chair factory in the said Town of Bracebridge in accordance with the terms of an agreement dated the 5th day of March, A. D. 1902, on file in the Clerk's office of the said Town of Bracebridge, in consideration of a loan of \$15,000 without interest, repayable as follows:—\$500.00 at the end of two years, \$800.00 at the end of three years, and the balance to be paid in equal annual instalments of \$1,000.00 each, except the last payment which will be \$700.00, computed from the date of the issuing of the debentures hereinafter provided, to be secured by first mortgage on the land and plant of the said factory and by an assignment to the said corporation as collateral security of \$15,000 of the capital stock fully paid and non-assessable of a company to be incorporated by the said parties under *The Ontario Companies Act*.

And whereas the council of the said town have established and erected a power plant suitable for the purpose of furnishing power to manufacturers, and believing it would be in the interests of the citizens of said town to grant such loan for the establishment and operation of such factory have decided to submit a by-law for such purpose for the approval of the ratepayers qualified to vote on by-laws.

And whereas in order to carry into effect the said object it will be necessary for the said council to issue debentures of the corporation of the Town of Bracebridge for the said amount, the said council has decided to make the principal money of the debt thereby created repayable in twenty yearly instalments with interest at four and a half per cent. per annum as hereinafter provided.

And whereas the total amount required to be raised annually by special rate for paying such debt and interest under the terms of this by-law is the sum of \$1,153.14, on account of the principal and interest of the said debt.

And whereas the amount of the whole rateable property of the said corporation, irrespective of any future increase, according to the last revised assessment roll thereof, is the sum of \$505,788.00.

And whereas the amount of the existing debenture debt of the said corporation is the sum of \$84,405.12, and no part of the principal or interest thereof is in arrears.

Therefore the council of the corporation of the Town of Bracebridge enacts as follows:—

1. That it shall be lawful for the Mayor of the said town for the purpose aforesaid to borrow the said sum of \$15,000 and issue debentures of the said corporation to that amount in sums of not less than \$100 each, payable yearly with interest at the rate of four and a half per cent. per annum on the 15th day of November in each and every year during the currency of the said debentures.

2. That the said debentures shall be sealed with the seal of the said corporation and be signed by the Mayor and Treasurer thereof and the interest coupons attached thereto shall also be signed by the Treasurer of the said corporation and that the said debentures and interest coupons shall be made payable at the Bank of Ottawa in the Town of Bracebridge.

3. That it shall be lawful for the Mayor of the said corporation to sell such debentures to any person or persons, body or bodies corporate and to cause the amount realized therefor to be paid to the Treasurer of the said corporation for the purpose above recited.

4. That for the purpose of paying said debt and interest there shall be raised and levied annually by a special rate upon all the rateable property of the said corporation in addition to all other rates the sum of \$1,153.14, being a sum sufficient to pay the said several instalments of principal and interest as the same shall become payable according to the following schedule :—

No.	Year.	Prin.	Int.	Total.
1	1903	\$ 478.14	\$675.00	\$1,153.14
2	1904	499.66	653.48	1,153.14
3	1905	522.14	631.00	1,153.14
4	1906	545.64	607.50	1,153.14
5	1907	570.19	582.95	1,153.14
6	1908	595.85	557.29	1,153.14
7	1909	622.66	530.48	1,153.14
8	1910	650.69	502.45	1,153.14
9	1911	679.97	473.17	1,153.14
10	1912	710.56	442.58	1,153.14
11	1913	742.55	410.59	1,153.14
12	1914	775.96	377.18	1,153.14
13	1915	810.87	342.27	1,153.14
14	1916	847.36	305.78	1,153.14
15	1917	885.49	267.65	1,153.14
16	1918	925.34	227.80	1,153.14
17	1919	966.98	186.16	1,153.14
18	1920	1,010.50	142.64	1,153.14
19	1921	1,055.97	97.17	1,153.14
20	1922	1,103.48	49.66	1,153.14

5. That the said several sums hereinbefore recited provided to be repaid by the said William Hess and Valentine Schinbein, their successors or assigns, shall be applied for the purpose of paying the debt and interest hereby created, and that the amounts to be raised annually as aforesaid upon the rateable property of the said corporation may be decreased year by year to the extent of the several sums received on account of the return of the said loan, which money when so repaid shall be used in payment of said debentures and in no other way.

6. That the vote of the said ratepayers shall be taken on this by-law on the 5th day of May, A.D. 1902, between the hours of nine o'clock in the forenoon and five o'clock in the afternoon of the same day at the town hall for Wards 1, 2 and 3, and at Thomas Hunt's house for Ward 4, and that Alex. C. Salmon be and he is hereby appointed Returning Officer.

7. That on the 3rd day of May, A. D. 1902, the Mayor shall attend at the office of the Clerk of the said corporation at 10 o'clock in the forenoon to appoint persons to attend at the polling places and at the final summing up of the votes by the Clerk on behalf of the persons respectively interested in promoting or opposing the passing of this by-law.

8. That the Clerk of the council of the said corporation shall attend at his office in the Town of Bracebridge at 12 o'clock noon of the 7th day of May, A.D. 1902, and sum up the number of votes given for and against this by-law, and if there is a majority therefore issue his certificate in pursuance of the provisions of *The Municipal Act*.

9. That this by-law shall take effect and come into operation forthwith after the passing thereof.

Finally passed the 9th day of June, 1902.

[ SEAL. ]

(Signed)

J. D. SHIER, Mayor.

ALEX. C. SALMON, Clerk.

CHAPTER



## CHAPTER 44.

## An Act respecting the Town of Bracebridge.

*Assented to 12th June, 1903.*

WHEREAS the Municipal Corporation of the Town of Preamble.

Bracebridge has by its petition prayed that an Act may be passed to confirm and legalize a by-law of the said town to authorize the council of the said town to grant exemption from municipal taxes for a period of ten years to certain lands, buildings, machinery, plant and stock in trade to be used in and about the business of a linen factory in Bracebridge and to grant aid to the said industries by way of guaranteeing the interest on \$50,000 of debentures at 5 per cent per annum payable half yearly for a period of 20 years; and whereas the municipal corporation of the said town has further prayed that an Act may be passed to confirm and legalize a by-law of the said town to authorize the council of the said town to raise the sum of \$7,000 by way of debentures to pay certain floating debts of the said town; and whereas before the final passing thereof the said by-laws were submitted to a vote of the ratepayers in accordance with the provisions of *The Municipal Act* and were both approved of by a large majority of the ratepayers entitled to vote thereon (the first named by-law having been approved by a vote of 265 to 31, and the other by a vote of 176 to 82) and finally passed by the council of the said town on the 26th day of January, 1903 and registered in the Registry Office for the District of Muskoka on the 28th day of January 1903; and whereas no application has been made to quash or set aside the said by-laws; and whereas it is considered necessary that the said by-laws should be confirmed; and whereas it is expedient to grant the prayer of the said petition;

Rev. Stat. c.  
223.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. By-law No. 153 of the Municipal Corporation of the Town of Bracebridge set forth in Schedule A to this Act is confirmed and declared legal, valid and binding upon the Municipal Corporation of the Town of Bracebridge and the ratepayers thereof and upon all others mentioned in the said by-law or their assigns, and the said corporation is hereby empowered

By-law 153  
exempting  
linen factory  
confirmed.

to

to do all necessary acts for the full and proper carrying out of the said by-law.

By-law 152.  
to raise \$7,000  
for floating  
debt confirmed.

2. By-law No. 152 of the Municipal Corporation of the Town of Bracebridge which is set forth in Schedule B to this Act, is confirmed and declared legal valid and binding upon the Municipal Corporation of the Town of Bracebridge and the rate-payers thereof and the debentures to be issued under the said by-law are declared to be legal and binding upon the said municipality; provided that nothing in this Act contained shall affect the assessment or taxation of any property for school purposes.

### SCHEDULE A.

#### BY-LAW No. 153.

A by-law to authorize the Council of the Corporation of the Town of Bracebridge to exempt from taxes for a period of Ten years certain lands, buildings, machinery, plant and stock-in-trade used, or to be used in and about the business of a Linen Factory in Bracebridge, and to grant aid by way of guaranteeing the payment of the interest on certain debentures to be issued by the parties establishing the said Linen Factory.

Whereas William Beattie Nesbitt, of the City of Toronto, Esquire, has entered into an agreement with the Corporation of the Town of Bracebridge to erect and establish a Linen Factory in the said Town of Bracebridge in accordance with the terms of an agreement, a copy of which is set out in Schedule A to this by-law;

And whereas in consideration thereof the Council of the Corporation of the said Town have agreed to exempt the land and premises, plant, machinery and stock-in-trade from payment of municipal taxes for so much of a term of ten years from and after the passing of this by-law as the said land and premises shall be continuously used solely for the purposes aforesaid and have agreed to guarantee the payment of the interest on the debentures of the Company referred to in said agreement to the extent of \$50,000 at the rate of 5 per cent. per annum, payable half-yearly;

Therefore the Council of the Corporation of the Town of Bracebridge enacts as follows:

That it shall be lawful for the Council of the Corporation of the Town of Bracebridge to exempt from the payment of municipal taxes for so much of the term of ten years from and after the date of the passing of this by-law the whole of the land, buildings, machinery, plant, and stock-in-trade as shall be bona fide continuously used by the said William Beattie Nesbitt, his successors or assigns for the sole purpose of conducting a Linen Factory.

That it shall be lawful for the Council of the Corporation of the Town of Bracebridge to guarantee the payment of the interest on the debentures of the Company referred to in said agreement at the rate of 5 per cent. per annum, payable half-yearly to the extent of \$50,000, and that said agreement, as set forth in Schedule A to this by-law is hereby adopted, ratified and confirmed, and the said agreement is hereby enacted to the same extent as if it had been fully set forth verbatim in this by-law.

That a vote of the ratepayers of the said Corporation qualified to vote on by-laws shall be taken on this by-law, on Monday, the 5th day of January,

January, A.D., 1903, between the hours of nine o'clock in the forenoon and five o'clock in the afternoon of the same day at the following places by the Deputy Returning Officers hereinafter named :

For Ward 1 at the Town hall, by Alex. C. Salmon.

For Ward 2 at the School house, by M. J. Dickie.

For Ward 3 at Appleby's store, by Alfred Hunt.

For Ward 4 at the Dwelling house of Thomas Hunt, by W. Simmons.

That on the 2nd day of January, A.D. 1903, the Mayor shall attend at the office of the Clerk of the said Corporation at 10 o'clock in the forenoon to appoint persons to attend the said polling places and at the final summing up of the votes by the Clerk on behalf of the persons respectively interested in promoting or opposing the passing of the by-law.

That the Clerk of the said Corporation shall attend at his office in the Town of Bracebridge, at 12 o'clock noon on the 6th day of January, A.D. 1903, and sum up the number of votes given for and against the by-law, and if there is a majority therefor issue his certificate in pursuance of the provisions of *The Municipal Act*.

That this by-law shall take effect and come into force immediately after the passing thereof.

#### SCHEDULE A.

(To the above By-Law.)

Memorandum of agreement made in duplicate this twenty-fourth day of November, A.D. 1902, between the Corporation of the Town of Bracebridge of the first part and W. Beattie Nesbitt, of the City of Toronto, Esquire, of the second part.

Whereas the party of the second part controls a linen manufacturing company now in process of formation under the name of The Dominion Linen Mills, Limited, or such other name as may be selected;

And whereas the party of the first part desires to secure the location of the said industry at Bracebridge;

Now, therefore, this indenture witnesseth that in consideration of the mutual covenants herein contained, and of the sum of one dollar now paid by each of the parties to the other of them the parties hereto covenant and agree with each other and their respective successors, executors, administrators and assigns as follows :

(1) The party of the second part agrees to locate such industry at Bracebridge upon the performance by the party of the first part of the following terms and conditions, namely :

(a) The party of the first part shall guarantee the payment of the interest coupons at the rate of five per cent. per annum of the first mortgage debentures of the Linen Company aforesaid to the extent of Fifty thousand dollars for the period of twenty years from the date of issue thereof respectively.

(b) The party of the first part shall during such period of twenty years sell and deliver to the said Linen Company when formed such electric horse power as the said Linen Company shall require, except lighting, for the price or sum of twelve dollars and fifty cents per horse power per day of ten hours if desired, but the parties of the first part shall have five days each year for repairs to plant, if required, and in event of accident to the plant beyond the control of the parties of the first part then they shall not be liable for breach of this covenant.

(c)



(c) The party of the first part shall exempt the said Company when formed and its property and assets in the Town of Bracebridge from all taxes and assessments, save and except school rates, for a period of ten years.

And the party of the first part agrees to submit to the ratepayers of the Town of Bracebridge a by-law granting and securing the above considerations to the party hereto of the second part, or at his option to the said Linen Company when formed, at the next approaching municipal elections, and to endeavor to have the same ratified by the ratepayers entitled to vote thereon.

(2) The party of the second part covenants with the party of the first part that he will immediately proceed with and complete the incorporation of the Linen Company aforesaid, and that he will obtain a charter therefor and organize said Company under *The Ontario Companies Act* with a Capital Stock of not less than one hundred and fifty thousand dollars, and that he will forthwith proceed to erect linen mills upon the site aforesaid which, together with the plant therein, shall cost not less than seventy-five thousand dollars, with a capacity of not less than one hundred looms, and that so soon as the said factory is erected and fully equipped for the purpose of manufacturing linens and the goods of a like or similar character at the cost aforesaid that he will cause the said Company to mortgage its said entire property, buildings and plant to secure the said fifty thousand dollars of debentures and the said debentures shall be for twenty years, and shall bear interest at five per cent. per annum payable half yearly, which debentures and the interest coupons attached thereto shall be a first charge upon the Company's said entire property, buildings and plant.

3. The party of the second part covenants upon behalf of the said Linen Company when formed that he will employ an average of not less than fifty hands per year during the said period of twenty years, and that during such time it will pay an average of not less than twenty-five thousand dollars in wages during each and every year thereof to employees resident in Town of Bracebridge, and that it will at all times on demand satisfy the party of the first part by all reasonable evidence of the employment of the said number of hands and the payment of the said wages. And that the said Company when so formed will insure its property and plant against loss by fire to the extent of the bonds, and at all times during the said twenty years keep such insurance in full force and that such insurance shall be payable to the trustee for the holders of the said debentures, it being understood that the mortgage securing such debentures shall be made to a trustee and shall be in the form usual in such cases.

It is agreed that the guarantee of interest on the debentures aforesaid shall not come into force or be of effect until the said buildings and plant are erected and until the mortgage aforesaid is placed thereon.

It is agreed that the parties hereto will apply to the Legislature if necessary for authority to carry out the provisions of this agreement.

It is agreed that all benefits and obligations herein contained shall be assignable by the party of the second part to the said Linen Company when formed, and that after such obligations are assumed by the said Linen Company that the party of the second part shall be freed and released from all covenants herein contained on his part.

In witness whereof the parties hereto have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered in the presence of

Sgd. J. D. SHIER, Mayor.  
Sgd. ALEX. C. SALMON, Town Clerk.  
Sgd. WILLIAM BEATTY NESBITT.

Read a second and third time and passed 26th January, 1906.

J. D. SHIER, [Seal]  
Mayor.  
ALEX. C. SALMON,  
Town Clerk.

SCHEDULE

## SCHEDULE B.

## By-law No. 152.

A By-law to authorize the raising by way of Debentures the sum of \$7,000.00 for the purpose of paying certain floating debts of the Town of Bracebridge.

Whereas there are certain outstanding debts of the Town of Bracebridge amounting to \$7,000.00 which it is advisable to spread over a period of five years ;

And whereas it will be necessary to raise the several sums in each year respectively set forth in the schedule to this by-law amounting to \$1,594.54 annually over and above all other rates and assessments ;

And whereas the amount of the whole rateable property of the said Corporation, according to the last revised assessment roll, amounts to the sum of \$549,063 ;

And whereas the amount of the existing debenture debt of the said Corporation is the sum of \$101,265, and no part of the principal or interest thereof is in arrears ;

Therefore the Municipal Council of the Corporation of the Town of Bracebridge enacts as follows :

That it shall be lawful for the Mayor of the said town, for the purpose aforesaid, to borrow the said sum of \$7,000.00 and to issue debentures under the seal of the said Corporation to the amount of \$7,000.00 in sums of not less than \$100.00 each, payable in the manner for the amounts and at the times respectively set forth in the schedule hereto.

That the said debentures shall have attached to them coupons for the payment of interest at the rate of  $4\frac{1}{2}$  per cent. per annum, which coupons shall be signed by the Mayor and the Treasurer of the said Corporation and shall be payable annually during the continuance of said debentures ;

That the said debentures, principal and interest, shall be payable at Bank of Ottawa in the said Town of Bracebridge ;

There shall be raised and levied in each year for five years by special rate on all the rateable property in the said Municipality the sum of \$1,594.54, in addition to all other rates, being a sum sufficient to pay the several instalments of principal and interest accruing due on said debt as the same shall mature as provided in the following schedule :

No.	Year.	Interest.	Principal.	Total.
1.....	1904	\$315 00	\$1,279 54	\$1,594 54
2.....	1905	257 42	1,337 12	1,594 54
3.....	1906	197 24	1,397 30	1,594 54
4.....	1907	134 37	1,460 17	1,594 54
5.....	1908	68 67	1,525 87	1,594 54

That a vote of the ratepayers of the said Municipality qualified to vote on by-laws shall be taken on this by-law, on Monday, the 5th day of January, A.D. 1903, between the hours of 9 o'clock in the forenoon and 5 o'clock in the afternoon of the same day at the following places by the Deputy Returning Officers hereinafter named :—

For Ward 1, at the Town hall, by Alex. C. Salmon.

For Ward 2, at the Public school, by M. J. Dickie.

For Ward 3, at H. Appleby's, by Alfred Hunt.

For Ward 4, at Thos. Hunt's, by Wm. Simmons.

That

That on the 2nd day of January, A.D. 1903, the Mayor shall attend at the office of the Clerk of the said Corporation at 10 o'clock in the forenoon to appoint persons to attend the said polling places, and at the final summing up of the votes by the Clerk on behalf of the persons respectively interested in promoting or opposing the passing of this by-law.

That the Clerk of the said Corporation shall attend at his office in the Town of Bracebridge at 12 o'clock noon on the 6th day of January, A.D. 1903, and sum up the number of votes given for and against the by-law, and if there is a majority therefor issue his certificate in pursuance of the provisions of *The Municipal Act*.

That this by-law shall take effect and come into force immediately after the passing thereof.

Read a second and third time and passed 26th January, 1903.

J. D. SHIER,  
Mayor.

[SEAL.]

ALEX. C. SALMON,  
Town Clerk.



## CHAPTER 45.

An Act respecting the Village of Campbellford and  
The Weston Shoe Company, Limited.

*Assented to 22nd May, 1903.*

WHEREAS the Municipal Corporation of the Village of Preamble.  
Campbellford has petitioned praying that an Act may  
be passed to legalize and confirm By-law No. 395 of the  
said corporation authorizing the issue of debentures of the  
said corporation to the amount of \$12,000 for the purpose of  
granting a bonus of \$5,000 to the Weston Shoe Company, and  
for the purpose of purchasing the premises known as the  
Campbellford Woollen Mills on Mill street in said village, in  
order to rent and convey the same to the said company for the  
purposes of their business, and to confirm and validate the  
substitution of the agreement made between the said municipal  
corporation and the said company dated the 30th day of  
October, 1902, for the agreement proposed in the said by-law,  
and to legalize and confirm the debentures issued or to be  
issued under the said by-law; and whereas the business to be  
carried on by the said company is a new one and there is  
no other industry of a similar nature established within the  
limits of the said municipality; and whereas a poll was held  
for the taking of the votes of the ratepayers entitled to vote  
on the said by-law in accordance with the provisions of *The* Rev. Stat.  
c. 223.  
*Municipal Act*, and the said by-law was assented to by more  
than two-thirds of the said ratepayers; and whereas the object  
of the said agreement of the 30th day of October, 1902, is sub-  
stantially the same as the object of the said by-law as appears  
from the said by-law and agreement which are fully set forth  
in the schedules to this Act; and whereas no opposition  
has been offered to the said petition; and whereas it is  
expedient to grant of the prayer of the said petition;

Therefore His Majesty, by and with the advice and con-  
sent of the Legislative Assembly of the Province of Ontario,  
enacts as follows :—

1. By-law No. 395 of the Municipal Corporation of the  
Village of Campbellford set forth in Schedule A to this Act,  
is confirmed and declared to be legal, valid and binding upon  
the said municipal corporation and the ratepayers thereof, not-  
withstanding any want of jurisdiction on the part of the said  
municipality By-law No.  
395 of  
Campbellford  
confirmed.

municipality to pass the by-law and notwithstanding any defect in substance or in form of the said by-law or in the manner of passing the same, and the said agreement dated the 30th day of October, 1902, between the said municipal corporation and the Weston Shoe Company, Limited, set forth in Schedule B to this Act is ratified and confirmed and the substitution thereof for the agreement proposed in the said by-law is authorized, notwithstanding any variations in the terms and conditions therein contained from the said proposed agreement, and the said corporation of the village of Campbellford is authorized and empowered to issue and sell the debentures provided for by the said by-law, and the said debentures so issued under the said by-law are declared legal, valid and binding upon the said municipality, and the said corporation is authorized and empowered to do all necessary acts for the full and proper carrying out of the said by-law and the said agreement of the 30th day of October, 1902.

## SCHEDULE A.

### BY-LAW No. 395.

A By-law to authorize the issue of debentures of the Village of Campbellford to the amount of \$12,000 for the purpose of granting a bonus of \$5,000 to the Weston Shoe Company, and for the purpose of purchasing the premises known as the Campbellford Woollen Mills on Mill street in said Village of Campbellford in order to rent and convey same to said company for the purposes of their business.

Whereas the Weston Shoe Company, Limited, have applied to the municipal council of the Village of Campbellford to aid them by granting them a bonus of \$5,000, and leasing to them free of rent and taxes except school taxes, the premises in said village known as the Campbellford Woollen Mills for a period of ten years and to convey to them said property at the end of ten years on condition that they shall furnish and complete said mills with all suitable machinery for the manufacture of boots, shoes and other kinds of footwear, being goods not at present manufactured in said village, and the same to be in running order on or before the 1st day of January, 1903, and upon the further condition that the said company will, for the next ten years at least, run the said factory on an average at least 55 hours per week in each year, and employ while in operation as aforesaid at least 80 persons in the running and working of said factory. And as a further condition the said company shall, at or before the final passing of this by-law, enter into a written agreement with the said corporation to do all things before mentioned to be done on their part, and that on failure or breach of any one or more of the said conditions the said company shall repay the said corporation \$500 each and every year which shall yet remain of the said period of ten years. And as a further condition the said company shall, at the time or before the said bonus is paid over to them, execute and deliver a mortgage to said corporation on their stock, plant and machinery as security for the observance of said conditions on their part to be performed.

And whereas in order to aid the Weston Shoe Company in manner aforesaid, it is necessary and intended by this by-law to create a debt on the part of the said corporation to the amount of \$12,000 and to provide for the issue of debentures of the said corporation to the said amount bearing

bearing interest as hereinafter mentioned, the proceeds of the said debentures to be applied to the purchase of said Campbellford Woollen Mills property and to the granting of said bonus.

And whereas it is desirable to issue the said debentures at one time and to make the principal of the said debt repayable by yearly sums during the period of 20 years, being the currency of the said debentures, said yearly sums being of such respective amounts that the aggregate amount payable in each year for principal and interest, in respect of the said debt, shall be as nearly as possible equal to the amount so payable in each of the other nineteen years of said period as shown hereafter.

And whereas it will require the sum of \$883.00 to be raised annually by special rate for paying the several instalments of principal and interest accruing due on the debt under the terms of this by-law.

And whereas the amount of the whole rateable property of the said Village of Campbellford, according to the last revised assessment roll thereof is \$719,450.00.

And whereas the existing debenture debt of the said Village of Campbellford is \$38,874.07, and no part of the principal or interest on said debenture debt is in arrear,

And whereas it would be a public benefit to the ratepayers of this corporation to have in operation said factory in said village, employing said number of hands, and said ratepayers would derive material benefit therefrom,

Therefore the municipal council of the corporation of the Village of Campbellford enacts as follows :—

1. That the manufacturing establishment for the manufacture of boots, shoes and other kinds of footwear to be carried on in the mills known as the Campbellford Woollen Mills, on Mill street, on the east side of the river Trent, within the limits of the Village of Campbellford, by the Weston Shoe Company, Limited, and the lands upon which they are situate and the property now belonging thereto, and the machinery and other chattels employed therein used and occupied by the Weston Shoe Company as and for a boot and shoe factory, shall except as to school rates and taxes and subject to the following clauses of this by-law, be in whole fully exempt from all taxation assessed and levied by the corporation of the Village of Campbellford for the term of ten years.

2. That said property hereby declared to be exempt from taxation as aforesaid for the term of ten years shall only be so, and remain so, so long as the Weston Shoe Company employ and keep employed in said factory 80 employees, and should there not be employed and kept employed as aforesaid in any year or years during the said 10 years 80 employees working on an average 55 hours per week, then, in that event, it shall and may be lawful for the corporation of the Village of Campbellford to collect all taxes assessed or levied on and against said exempt property for any such year or years, and for any and all these purposes the property hereby exempted from taxation shall year by year be assessed to and in the name of the parties who would but for this by-law be liable to be taxed therefor and entered in a separate page of the assessment roll, so that in the event of there not being 80 hands employed, as before set forth in any year or years, the taxes for such year or years may be collected as other taxes assessed and levied by the corporation of the Village of Campbellford.

3. That the 10 years which said property is under this by-law to be exempt from taxation as aforesaid shall be consecutive and shall commence the first year after the passing of this by-law and the time from which said hands shall continue to be employed as aforesaid shall not be later than the 1st January, 1903.

4. That it shall be lawful for the corporation of the Village of Campbellford to raise by way of loan for the purposes, and with the objects aforesaid



aforesaid upon the credit of the debentures hereinafter mentioned, the sum of \$12,000

5. That the reeve of the said village is hereby authorized and instructed to sign and issue debentures of the said village to the amount of \$12,000, in the several sums mentioned in the next clause hereof which debentures shall be dated on 22nd day of October, 1902, and shall be sealed with the seal of the said corporation and signed by the reeve and countersigned by the treasurer of said corporation.

6. That the said debentures shall be payable at the office of the treasurer of the said corporation of Campbellford on the following days and times, and shall be for the following amounts :

On the 20th day of October, 1903.....	\$403 00
On the 20th day of October, 1904.....	419 12
On the 20th day of October, 1905.....	435 88
On the 20th day of October, 1906.....	453 31
On the 20th day of October, 1907.....	471 44
On the 20th day of October, 1908.....	490 30
On the 20th day of October, 1909.....	509 91
On the 20th day of October, 1910.....	530 31
On the 20th day of October, 1911.....	551 52
On the 20th day of October, 1912.....	573 58
On the 20th day of October, 1913.....	596 50
On the 20th day of October, 1914.....	620 36
On the 20th day of October, 1915.....	645 17
On the 20th day of October, 1916.....	670 98
On the 20th day of October, 1917.....	697 82
On the 20th day of October, 1918.....	725 73
On the 20th day of October, 1919.....	754 77
On the 20th day of October, 1920.....	784 96
On the 20th day of October, 1921.....	816 36
On the 20th day of October, 1922.....	848 98

7. That the said debentures shall bear interest at the rate of 4 per centum per annum, payable yearly at the office of the treasurer of the said Village of Campbellford on the 20th day of October in each year during the currency thereof and shall have attached to them coupons for the payment of such interest.

Provided however that no such debentures shall be issued or sold, nor shall any money be paid hereunder until after the said company shall have placed in the said mills the necessary plant and machinery for the manufacture of boots and shoes, nor until they shall have entered into a binding agreement with the said corporation to comply with the conditions hereinbefore set forth. And the said company shall, before any money is paid over to them under this by-law, execute and deliver to said corporation a mortgage on their said plant and machinery as security for the carrying out of the conditions aforesaid.

8. During the currency of the said debentures there shall be raised annually by special rate on all the rateable property in said Village of Campbellford the sum of \$883.00 for the purpose of paying the amount due in each of the said years for principal and interest in respect of the said debt.

9. This by-law shall come into force and effect on the 22nd day of October, A.D., 1902.

10. The votes of the said electors, for and against this by-law, shall be taken by ballot on Tuesday, the 7th day of October, 1902, from the hour of 9 o'clock in the forenoon until 5 o'clock in the afternoon of the same day at the places within the said corporation of Campbellford and by the deputy returning officers hereinafter specified, that is to say:—Polling division No. 1, at the town hall, Loren G. Young, deputy returning officer; polling division No. 2, at the fire hall, Adam Dinwoodie, deputy returning officer; polling division No. 3, at the Baptist church, Philip C. Foy, deputy returning officer; polling division No. 4, at John Harris' sale rooms, Frederick J. Smith, deputy returning officer.

11. The reeve of the said village shall attend at the office of the clerk of this corporation on the first day of October, 1902, at 2 o'clock in the afternoon, to appoint persons to attend at the various polling places aforesaid, and at the summing up of the votes by the clerk on behalf of the persons interested in promoting or opposing the passing of this by-law respectively.

12. The clerk of the council of the said Village of Campbellford shall attend at his office in the said village at the hour of ten o'clock in the forenoon of the 8th day of October, 1902, in the presence of the parties hereinbefore appointed, and of any other persons entitled by law to be present, to sum up the number of votes given for and against the by-law.

Dated at Campbellford the 17th day of September, 1902.

(Sgd) J. E. DIAMOND,  
Reeve.

(Sgd) E. C. WEST,  
Clerk. [Seal]

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### SCHEDULE B.

Memorandum of agreement made (in quadripartite) the thirtieth day of October, A. D. 1902, between The Weston Shoe Company, Limited, hereinafter called "the Company of the First Part" and the Corporation of the Village of Campbellford, hereinafter called "the Corporation" of the second part.

Whereas the Weston Shoe Company, Limited, has been duly incorporated for the purpose of manufacturing boots, shoes and all kinds of footwear with a capital stock of forty thousand dollars.

And whereas the said company is desirous of operating a factory in the Village of Campbellford for the manufacturing of boots, shoes and all kinds of footwear.

And whereas the said company propose to purchase a property in the Village of Campbellford, being lots three, four, five and six in East Factory Block and known as the Campbellford Woollen Mills Factory (which includes the dyehouse, boiler room, and all plant and machinery now in the said factory, dyehouse and boiler room), together with the water privileges, flume ways and appurtenances thereto belonging or appertaining.

And whereas the said company has applied to the municipal council of the corporation of the Village of Campbellford for a bonus of twelve thousand dollars.

And whereas it has been deemed expedient by the said council of the said corporation to grant the said bonus to the said company and a by-law for that purpose with the assent of the electors has been passed by the said council.

And whereas the council of the said corporation propose to raise the sum of twelve thousand dollars upon debentures issued pursuant to the said by-law, and propose to pay over the said bonus to the said company as hereinafter set forth.

And whereas for the purpose of mutually assisting each other, the parties hereto have agreed to execute these presents.

Now this agreement witnesseth—

*First*—The company agree to procure from the owners of the said property an agreement offering to sell the said property to the said company for the sum of seven thousand dollars cash, such offer to remain open

open for acceptance by the said company until the fifteenth day of November, A.D. 1902.

*Second*—The corporation agree to raise the sum of twelve thousand dollars on or before the thirteenth day of November, A.D. 1902, to pay the said bonus.

*Third*—The corporation agree to pay over the said bonus of twelve thousand dollars to the said company as hereinafter set forth in clauses lettered "a" to "g" both inclusive.

(a) The company upon receiving notice in writing on or before the thirteenth day of November, A.D. 1902, from the said corporation that they are prepared to pay over the said bonus, shall accept the said agreement offering to sell the said property.

(b) After acceptance by the said company of the said agreement offering to sell the said property, the said company shall at their own costs and charges investigate the title to the said property.

(c) If the solicitor for the said corporation, and the solicitor for the said company certify that a satisfactory title can be made to the said property then and in such case the corporation agree to pay to the vendor of the said property the purchase price of seven thousand dollars, and deposit the balance of the said bonus, namely, five thousand dollars in the Standard Bank at Campbellford to the joint credit of the corporation and the company.

(d) The conveyance or deed of the said property shall be made by the owner or vendor of the said property to the said company.

(e) The said deed and duplicate thereof shall be delivered to the Standard Bank at Campbellford, together with an original copy of this agreement, and the said Standard Bank shall hold the same in trust, subject to the terms and conditions of this agreement.

(f) After the said deed has been deposited with the said bank, the said company shall proceed to equip the said factory so as to have the same in running operation on or before the first day of February, A. D., 1903.

(g) The balance of the said bonus, namely : five thousand dollars shall be paid over to the said company upon the joint check of the said corporation and the said company on the said bank as soon as the said factory has been equipped and ready to start operations.

(h) As soon as the said factory has been equipped and ready for operation the said company at their expense will insure and keep insured during the term of ten years from the first day of January, A.D., 1903, the said factory, including the plant and machinery therein to the amount of not less than fifteen thousand dollars loss, if any, payable to the said company and to the said corporation jointly.

(i) The said company agree to commence operating the said factory not later than the first day of February, A.D., 1903.

(j) That for a term of ten years commencing on the first day of January, A.D., 1903, and ending on the thirty-first day of December, A.D., 1913, the company will, subject as hereinafter set forth, employ for ten months in each year during said term an average of eighty persons in operating the said factory, giving to each person employed in said factory an average employment of eight hours per day.

(k) The corporation shall have the right to an annual inspection of the time books of the said company for the purpose of ascertaining whether the said company are employing the number of persons aforesaid in the manner aforesaid as set forth in clause "j" of this agreement.

(l) Should the company fail to employ the number of persons aforesaid in the said factory in manner aforesaid as set forth in clause "j" hereinbefore contained, it shall, subject as hereinafter set forth, pay to the corporation



corporation as liquidated damages the sum of twelve hundred dollars for each and every year that the said company make default in performance of said clause "j" during the said term of ten years, which sum shall be a charge in favour of the said corporation upon said property of the said company, including all plant and machinery therein.

(m) In case of the destruction of the said factory or any part thereof by fire, or partial destruction thereof the said company agree to proceed with all due diligence to reconstruct or repair the said factory and place the same again in operation, and the said insurance moneys shall be applied to the reconstruction or repair of the said buildings, and shall be paid over upon the joint cheque of the said corporation and the said company to the said company from time to time as the reconstruction or reparation of the said works proceed.

*Fourth*—The said corporation agrees with the said company that the real and personal property of the said company in the said Village of Campbellford used by the said company in operating their said factory and business shall be subject to the performance by the said company of clause "j" be exempt for the term of ten years from the first day of January, 1903, to the first day of January, 1913, from payment of taxes by the said company (except school taxes) and the assessment for such school taxes shall be, and the same is hereby fixed at fifteen thousand dollars for each and every year during the said ten years.

*Fifth*—The said corporation further agree to give notice within thirty days after the first day of February in any year during the said term to the company of any neglect or default on the company's part in the performance of clause "j" aforesaid, which notice shall be delivered to an officer of the said company, and shall give full particulars of the default or neglect complained of on the part of the corporation, and the omission by the corporation to give such notice within the time aforesaid shall be deemed a waiver of the rights of the said corporation to thereafter complain or set up that the company have not performed or fulfilled the provisions contained in clause "j" of this agreement for the preceding year, and the said corporation shall be estopped from thereafter alleging non-performance by the said company of the provisions in clause "j" of this agreement for such preceding year.

*Sixth*—Provided that in case the said company is unable, by reason of strikes, lockouts, or combines to perform clause "j" of this contract, or through some unforeseen event or casualty not caused by the neglect, default or misconduct of the company it should be hindered, delayed or prevented from carrying out substantially the provisions of clause "j" of this agreement, then and in such case the said company shall not be bound to pay the said twelve hundred dollars damages hereinbefore provided, but nothing in this clause contained shall relieve the company from want of diligence on its part to settle any strikes or lockouts which may arise during the said term, or from using due diligence in remedying any unforeseen event or casualty which may be occasioned as aforesaid in so far as the company can remedy the same without sustaining a substantial loss.

*Seventh*—It is agreed between the parties hereto that if default should be made in any year in performance of clause "j," and the corporation should demand and receive the sum of twelve hundred dollars from the said company under condition "1," that the payment of the said twelve hundred dollars shall be taken and accepted by the said corporation in lieu of the performance of the said provisions contained in clause "j" of this agreement for such year in which such default may have arisen.

*Eighth*—Should the said company make default in performance of the provisions contained in clause "j" hereinbefore set forth, and should the said corporation give notice to the said company of such default, under the provisions of paragraph five of this agreement, and should the said company after receiving said notice make default in payment of the said twelve hundred dollars damages as provided in clause "1" of this agreement,

agreement, for a period of two months after receiving such notice, then and in any such case, and so often as the same shall happen, it shall be lawful for the said corporation upon giving to the said company one month's notice in writing of their intention, to receive from the said bank the said deed so deposited with the said bank and upon delivering to the said bank a statutory declaration made by the clerk of the said corporation verifying such default as aforesaid and service of the said notice as aforesaid upon the said company, to receive the said deed from the said bank and register same, and thereafter the said corporation may enter into possession of the said property including all plant and machinery therein, and have, hold, use and enjoy the said property, including all plant and machinery, as its own absolute property, and the said property shall *ipso facto* absolutely vest in the said corporation and be subject to any disposition the said corporation may choose to make thereof.

*Ninth*.—The said deed so deposited with the said bank shall be delivered up to the said bank to the said company after the 31st day of January, 1913, unless the said bank shall have previously delivered the said deed to the said corporation under the provisions in paragraph eight "or thirteen" of this agreement, or unless the said corporation have served a notice on the said company under the provisions of paragraph number five of this agreement, and a copy of such notice given to the local manager of the said bank before the first day of February, A.D., 1913.

*Tenth*.—The company shall not remove their factory from the said Village of Campbellford for twenty years, calculated from the first day of January, A.D., 1903, by reason of any bonus being offered to the said company by any other municipality.

*Eleventh*.—The company shall pay the general taxes on the said assessment of fifteen thousand dollars in any year that the company makes default in fulfilling the terms of clause "j" hereinbefore set forth, but no distress for such taxes or other proceedings to recover the same shall be taken by the said corporation, unless the said corporation shall have first served the notice upon the said company required by paragraph five of this agreement, nor until the expiration of one month after the service of such notice.

*Twelfth*.—As the company will experience difficulty in getting operators for their factory during the first three months of the said term of ten years, the said corporation agree not to complain of the non-performance of clause "j" hereinbefore set forth in case default is made by the company in the substantial performance of said clause "j" during the said three months, so long as the said company shall during the said three months have exercised due diligence on its part towards carrying out the provisions contained in said clause "j."

*Thirteenth*.—Should the said company during the said term of ten years cease to operate the said factory for a continuous period of six months, the corporation shall, subject to the proviso in the next succeeding paragraph number fourteen, be entitled on giving ten days' notice in writing to the said company after the expiration of the said six months to enter into possession of the said property hereinbefore described and all plant and machinery therein, and shall also be entitled upon filing a statutory declaration of the clerk of the said corporation, or some officer thereof, verifying the default on the part of the said company, and the service of the notice aforesaid, to demand and receive from the said bank the said deed and duplicate thereof, and thereafter to register the same, and upon the registration of such deed, the said corporation shall become *ipso facto* the absolute owner of the said property including all plant and machinery therein, and the said property shall absolutely vest in the said corporation, and be subject to any disposition the said corporation may choose to make thereof.

*Fourteenth*.—In the event of the said company being unable to operate the said factory for a continuous period of six months by reason of strikes

or lockouts, or by destruction or partial destruction of the said premises by fire, lightning or tempest, or through any other unforeseen event or casualty not caused by the neglect, default or misconduct of the company, then and in such case the said corporation shall not be entitled to exercise the powers, rights and privileges given to it in and by the preceding paragraph hereof.

*Fifteenth*—If the said factory should be destroyed by fire and the said company should make default for a period of six months (calculated from the time the insurance moneys shall have been paid over to the joint credit of the said corporation and the said company) in rebuilding or reconstructing the said factory and putting the same in operation, then and in such case the said company shall be entitled for its own use absolutely to as many tenths of the said insurance moneys for as many full years as the said company have operated the said factory as provided in clause "J" of this agreement, and the balance of the said insurance moneys shall be paid over to the said corporation, it being the intention of these presents that the insurance shall be paid to the company and the corporation upon their joint release, and shall then be deposited with the said bank to the joint credit of the said company and the said corporation, and thereafter paid out on the joint cheque of the said company and the said corporation.

*Sixteenth*—The company agree to abide by, keep and perform the conditions endorsed on the plan of water lots in the Village of Campbellford made by C. F. Caddy, Esq., P.L.S.

*Seventeenth*—This agreement shall be binding upon and enure to the benefit of the said company, its successors and assigns.

*In Witness Whereof* the said corporation of the Town of Campbellford have hereunto affixed its corporate seal, attested by its duly authorized officers for the purpose of this agreement, and the said company have hereunto affixed its corporate seal attested by the signatures of the president and manager thereof.

Signed, Sealed and delivered  
in the presence of

G. A. PAYNE.

J. E. DIAMOND,  
Reeve.

E. A. WEST,  
Clerk.

Seal.

GEORGE HENRY WESTON,  
President.

RICHARD CHARLES WESTON,  
Managing Director.

Seal.

A. J. Russell Snow  
Witness as to signatures of  
George Henry Weston and Richard Charles Weston.



## CHAPTER 46

## An Act respecting the Town of Collingwood.

*Assented to 12th June, 1903.*

Preamble.

WHEREAS the Municipal Corporation of the Town of Collingwood has by petition represented, that by an Act passed in the 63rd year of the reign of Her late Majesty Queen Victoria, chaptered 65, the said Town of Collingwood was authorized to grant a cash bonus to Charles D. Cramp and John Allister Currie to assist in the establishment of a blast furnace and steel smelting industry at the Town of Collingwood; that the said Cramp and Currie have with the consent of the said corporation assigned all their interest in the said bonus to The Cramp Ontario Steel Company, Limited; that, in pursuance of the agreement, set out as Schedule A to the said Act, as amended by the Act passed in the first year of the reign of His Majesty King Edward the Seventh, chaptered 50, the said town has purchased a suitable site for the said industry at a cost of \$6000, and has borrowed the said amount until the debentures authorized by the said first mentioned Act could be issued and sold; that the said company will not be entitled to payment of the said bonus for at least two years from this time and it is not desirable that the whole of the said debentures should be issued and sold, and the moneys realized therefrom kept in hand unused and uninvested for such a period, but that in order that the said amount of \$6000 so borrowed as aforesaid, may be repaid, it is desirable to issue debentures therefor; and whereas the Municipal Corporation of the Town of Collingwood has further represented that, by an Act passed in the 62nd year of the reign of Her late Majesty Queen Victoria, chaptered 44, the said town was authorized to consolidate its debenture debt at the sum of \$200,000 and that owing to discrepancies in some of the several clauses of the said Act, the meaning thereof is obscure and doubtful; and whereas the said Municipal Corporation has prayed that an Act may be passed confirming and legalizing a by-law of the said corporation authorizing the issue of debentures for \$6000 for the purposes aforesaid, and amending the said Act passed in the 62nd year of the reign of Her late Majesty Queen Victoria, so as to render the meaning thereof clear and unmistakeable; and whereas the Municipal Corporation of the Town of Collingwood has by petition further represented that on the

6th day of April, 1903, the municipal council of the said town submitted to the duly qualified ratepayers thereof a by-law to authorize the said council to lend the sum of \$25,000 to one Robert J. Disney to aid him in the establishment of a large industry for the manufacture of furniture in the said town, to issue debentures therefor, and to fix the assessment of the property to be acquired by the said Disney in the said town for the said industry at the sum of \$12,500 for a period of ten years; that on the submission of the said by-law to the said ratepayers the number voting upon the said by-law was 517, of whom 482 voted in favor of the said by-law and 35 against the same; that under *The Municipal Act* it would require 596 votes in favor of the said by-law to carry the same, but owing to a large number of the ratepayers of the town being engaged in maritime pursuits a large number of the voters of the said town were absent from home when the said vote was taken; and whereas the said municipal corporation has prayed that an Act may be passed confirming and validating the said by-law; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. By-law number 630 of the Municipal Corporation of the Town of Collingwood set forth as Schedule A to this Act is declared legal, valid and binding upon the said municipal corporation and the ratepayers thereof, notwithstanding any want of jurisdiction in the said municipality to pass such by-law, and notwithstanding any defect in substance or in form of said by-law, or in the manner of passing the same. By-law 630 confirmed.

2. Upon the sale of the debentures authorized to be issued by the Act passed in the 63rd year of the reign of Her late Majesty Queen Victoria, chaptered 65, the sum of \$6,000, part of the proceeds thereof, shall be set apart and invested for the purpose of redeeming the debentures authorized to be issued under the said by-law number 630. \$6,000 to be set apart to redeem debentures.

3. Sections 4 and 5 of the Act passed in the 62nd year of the reign of Her late Majesty Queen Victoria, chaptered 44, are repealed, and the following clauses substituted therefor:— Secs. 4 and 5 of 62 V. c 44 amended.

4. "The said debentures shall be repayable by annual instalments of principal and interest in not more than thirty-five years from the issue thereof, as the said Corporation may direct."

5.

5. "Interest upon the said debentures shall be computed at the rate of not more than four and one-half per cent. per annum, and the debentures issued in any one year shall be repayable by equal annual instalments of principal and interest during a period of thirty-five years from the issue thereof, and so that the aggregate amount payable for principal and interest under any series of debentures issued in any one year, shall be equal, as nearly as may be, to what is payable for principal and interest during each of the other years, during which that series of debentures is to run."

Sec. 13 of 62  
V., c. 44 re-  
pealed.

4. Section 13 of the said last mentioned Act is repealed, and it is enacted that the debentures issued under the said last mentioned Act may be in the form of Schedule AA to this Act, and that the by-law or by-laws, authorizing the same may be in the form of Schedule BB to this Act.

By-law No.  
634 confirmed.

5. By-law Number 634 of the said municipal corporation set forth as Schedule C to this Act, is declared legal, valid and binding upon the said municipal corporation and the ratepayers thereof notwithstanding any want of jurisdiction in the said municipality to pass such by-law, and notwithstanding any defect in substance or in form of the said by-law, or in the manner of passing the same.

## SCHEDULE A.

By-law number 630 of the Town of Collingwood to raise by way of debentures the sum of six thousand dollars for the purpose of repaying the amount borrowed on the security of the promissory note of the said Municipality, to pay for the site of the Cramp Steel Company, Limited, and to amend By-law Number 581 providing for the issue of debentures to the amount of one hundred and twenty-five thousand dollars to grant by way of bonus to the establishment of an iron and steel smelting industry and rolling mills at the Town of Collingwood, to purchase a site therefor and to make provision toward dredging out a channel to the docks of the said industry.

Whereas by an agreement bearing date the fifth day of March, A.D. 1900, and made between Charles D. Cramp of the City of Philadelphia, in the State of Pennsylvania, one of the United States of America, capitalist and manufacturer, and John Allister Currie of the City of Toronto, in the County of York, broker, thereafter called the "parties of the first part" and the Corporation of the Town of Collingwood, in the Province of Ontario, thereafter called the "corporation of the second part," the said parties did agree that they would cause to be constructed, equipped and operated within the Town of Collingwood an iron and steel smelting industry employing not less than six hundred men continuously, and



and that they would invest not less than the sum of seven hundred thousand dollars in the establishment of the said industry, and in consideration thereof, the said corporation agreed to grant a cash bonus of one hundred and fifteen thousand dollars, a free site on the water front containing fifty acres including water lots, together with certain privileges therein set forth as to the description and assessment of the said property ;

And whereas the said Charles D. Cramp and John Allister Currie have, with the consent of the said Corporation, assigned all their interest in the said contract to the Cramp Steel Company, Limited ;

And whereas by By-law Number 551 of the said Corporation, debentures were authorized to be issued for the sum of one hundred and twenty-five thousand dollars, to grant by way of bonus to the said Company toward the establishment of the said iron and steel smelting industry, to purchase the site therefor and to make provision toward dredging out the channel to the dock of the said industry ;

And whereas in pursuance of the said agreement, the said Corporation have purchased a suitable site for the said industry at a cost of six thousand dollars, and have borrowed the amount thereof on their promissory note until the said debentures should be issued and sold ;

And whereas the said Cramp Steel Company will not be entitled to payment of the said bonus for some two or three years, and it is not desirable that the whole of the said debentures should be issued and sold and the moneys realized therefor kept in hand, unused and uninvested for such a period, but, in order that the said amount of six thousand dollars, so borrowed as aforesaid, may be repaid, it is desirable to issue debentures therefor repayable in thirty equal annual instalments or principal and interest, and that the amount of six thousand dollars should be deducted from the said amount of one hundred and twenty-five thousand dollars aforesaid to be issued under the said By-law Number 551, and set apart and invested for the purpose of redeeming the debentures authorized to be issued under this By-law ;

And whereas the amount of the whole rateable property of the Municipality of the Town of Collingwood according to the last revised assessment roll amounts to \$1,624,630 ;

And whereas the existing debenture indebtedness of the said Municipality amounts to \$318,445.04, and no principal or interest is in arrears ;

And whereas it will require the sum of \$368.35 to be raised annually for a period of thirty years to pay the interest of and discharge the said debt, as the same becomes due and payable ;

Therefore the Municipal Council of the Town of Collingwood enacts as follows :—

1. That the Mayor of the said town is hereby authorized and required to issue debentures of the said town to the amount of six thousand dollars' and such debentures shall be signed by the Mayor and Treasurer of the Town of Collingwood, and sealed with the Corporate Seal, and there shall the thirty such debentures each for the sum of \$368.35 payable the first day of December in the year of our Lord 1903, and on each of the next succeeding twenty-nine years, it being estimated that such thirty debentures are equal to six thousand dollars of principal money with interest from the first day of December, 1902, at the rate of four and one-half per centum per annum upon the amount of principal money from time to time remaining unpaid, the amount of principal and interest represented in each of such debentures being as follows :—

Year.	Interest.	Principal.	Amount.
1.....	\$270 00	\$ 98 35	\$368 35
2.....	265 57	102 78	368 35
3.....	269 95	107 40	368 35

Year.	Interest.	Principal.	Amount.
4.....	256 12	112 23	368 35
5.....	251 07	117 28	368 35
6.....	245 79	122 56	368 35
7.....	240 27	128 08	368 35
8.....	234 51	133 84	368 35
9.....	228 49	139 86	368 35
10.....	222 19	146 16	368 35
11.....	215 62	152 73	368 35
12.....	208 75	159 60	368 35
13.....	201 56	166 79	368 35
14.....	194 06	174 29	368 35
15.....	186 22	182 13	368 35
16.....	178 02	190 33	368 35
17.....	169 45	198 90	368 35
18.....	160 50	207 85	368 35
19.....	151 15	217 20	368 35
20.....	141 37	226 98	368 35
21.....	131 16	237 19	368 35
22.....	120 49	247 86	368 35
23.....	109 33	259 02	368 35
24.....	97 68	270 67	368 35
25.....	85 50	282 85	368 25
26.....	72 77	295 58	368 35
27.....	59 47	308 88	368 35
28.....	45 57	322 78	368 35
29.....	31 04	337 31	368 35
30.....	15 86	352 49	368 35

2. That the proceeds of the said debentures shall be applied in repaying the amount of six thousand dollars, borrowed for the purpose of purchasing the said site.

3. To provide for the payment of the said sum of six thousand dollars, and the interest thereon as aforesaid, the sum of \$368.35 shall be levied and raised annually for a period of thirty years commencing with the year 1903, by special rate sufficient therefor on all the rateable property in the Town of Collingwood.

4. That the said debentures shall be payable at the Bank of Toronto, Collingwood.

5. That upon the sale of the debentures for one hundred and twenty-five thousand dollars aforesaid, to be issued by By-law Number 551, the sum of six thousand dollars, part of the proceeds thereof, shall be set apart and invested for the purpose of redeeming the debentures aforesaid, to be issued under this By-law.

6. That this By-law shall come into force and have effect from and after the passing thereof.

Passed in open Council this 16th day of March, A. D., 1903.

#### SCHEDULE AA.

Province of Ontario, Town of Collingwood, Consolidated Debenture Debt.

Under and by virtue of the Collingwood Debenture Act, 1899, and by virtue of By-law Number \_\_\_\_\_ of the Corporation of the Town of Collingwood, the Corporation of the Town of Collingwood promises to pay to the bearer at \_\_\_\_\_ in the Town of Collingwood the sum of \$ \_\_\_\_\_ on the first day of December, 190 \_\_\_\_\_

Dated at Collingwood this \_\_\_\_\_ day of \_\_\_\_\_ A. D.

SCHEDULE

## SCHEDULE BB.

By-law Number \_\_\_\_\_ of the Town of Collingwood to Authorize the Issue of Debentures Under Authority of the Collingwood Debenture Act, 1899.

Whereas the said Act authorizing the issue of debentures for the purpose herein mentioned, to be known as Consolidated Debt Debentures not exceeding the sum of two hundred thousand dollars in the whole, as the Corporation of the Town of Collingwood may, in pursuance of, and in conformity with the provisions of the said Act, direct

And whereas for the purpose mentioned in the said Act it is necessary and expedient to issue debentures to the extent of \$ \_\_\_\_\_ repayable in thirty-five equal annual instalments of principal and interest,

And whereas the amount of the whole rateable property of the Town of Collingwood, according to the last assessment roll, amounts to \$ \_\_\_\_\_

And whereas the existing debenture indebtedness of the said municipality amounts to \$ \_\_\_\_\_ and no principal or interest is in arrears

And whereas it will require the sum of \$ \_\_\_\_\_ to be raised annually for a period of thirty-five years to pay the interest of and discharge the said debt, as the same becomes due and payable.

Therefore the Municipal Council of the Town of Collingwood enacts as follows :—

1. Debentures under the said Act, and for the purposes therein mentioned, to be known as Consolidated Debt Debentures, to the extent of the sum of \$ \_\_\_\_\_ are hereby authorized and directed to be issued, and such debentures shall be signed by the Mayor and Treasurer of the Town of Collingwood and sealed with the Corporate Seal, and there shall be thirty-five such debentures each for the sum of \$ \_\_\_\_\_ payable on the first day of December in the year of our Lord, 190 \_\_\_\_\_, and on each of the next succeeding thirty-four years, it being estimated that such thirty-five debentures are equal to \$ \_\_\_\_\_ of principal money with interest from the day of \_\_\_\_\_ 190 \_\_\_\_\_, at the rate of \_\_\_\_\_ per centum per annum, upon the amount of principal money from time to time remaining unpaid, the amount of principal and interest in each of such debentures being as follows :

2. That the proceeds of the said debentures shall be applied as directed by the said Act.

3. To provide for the payment of the said sum of \$ \_\_\_\_\_ and the interest thereon as aforesaid, the sum of \$ \_\_\_\_\_ shall be levied and raised annually for a period of thirty-five years, commencing with the year \_\_\_\_\_, by special rate sufficient therefor on all the rateable property within the Town of Collingwood.

4. That the said debentures shall be payable at the \_\_\_\_\_ in the Town of Collingwood.

5. That this by-law shall come into force and have effect, from and after the passing thereof.

Passed in open Council this \_\_\_\_\_

day of \_\_\_\_\_



SCHEDULE C.

BY-LAW No. 634.

Of the Corporation of the Town of Collingwood for the purpose of granting by way of loan to Robert J. Disney, of the Town of Hanover, Manufacturer, the sum of twenty-five thousand dollars toward the establishment of an industry within the said town for the manufacture of furniture, and to issue debentures for the sum of twenty-five thousand dollars for that purpose.

Whereas the said Robert J. Disney has proposed to establish within the Town of Collingwood a large industry for the manufacture of furniture, employing at least seventy-five hands in its operation, provided the said Corporation would loan to him for twenty years the sum of twenty-five thousand dollars, secured by mortgage upon the said industry and repayable in annual instalments, with interest at  $4\frac{1}{2}$  per centum per annum.

And whereas the said Corporation have agreed to make the said loan upon the terms and conditions more fully set forth in an Agreement bearing date the twenty-eighth day of February, A D. 1903, entered into between the said Robert J. Disney and the said Corporation, a copy of which Agreement is set out in Schedule B to this By-law.

And whereas it is necessary in order to make the said loan to borrow the sum of twenty-five thousand dollars, and to issue debentures of the said municipality therefor.

And whereas the whole rateable property of the Town of Collingwood, according to the last revised assessment roll, amounts to \$1,620,183.

And whereas the existing debenture indebtedness of the said municipality amounts to \$318,445.04, and no principal or interest is in arrears.

And whereas it will require the sum of \$1,921.90 to be raised annually for a period of twenty years to pay the interest of and discharge the said debt as the same become due and payable.

Therefore the Municipal Council of the Corporation of the Town of Collingwood enacts as follows:—

1. That the Mayor of the said town be hereby authorized and required to issue debentures of the said town to the amount of \$25,000, and such debentures shall be signed by the Mayor and Treasurer of the Town of Collingwood and sealed with the corporate seal, and there shall be twenty such debentures, each for the sum of \$1,921.90 payable the first day of December, 1904, and on each of the next succeeding nineteen years thereafter, it being estimated that twenty such debentures are equal to \$25,000 of principal money and interest at the rate of  $4\frac{1}{2}$  per centum per annum upon the amount of principal money from time to time remaining unpaid, the amount of principal and interest represented in each of such debentures being as follows:—

Year.	Interest.	Principal.	Annual Payment.
1.....	\$1,125 00	\$ 796 90	\$1,921 90
2.....	1,089 14	832 76	1,921 90
3.....	1,051 66	870 24	1,921 90
4.....	1,012 50	909 40	1,921 90
5.....	971 58	950 32	1,921 90
6.....	928 82	993 08	1,921 90
7.....	884 13	1,037 77	1,921 90
8.....	837 43	1,084 47	1,921 90
9.....	788 63	1,133 27	1,921 90
10.....	737 63	1,184 27	1,921 90
11.....	684 33	1,237 57	1,921 90
12.....	628 65	1,293 25	1,921 90
13.....	570 45	1,351 45	1,921 90
14.....	509 63	1,412 27	1,921 90

Year.	Interest.	Principal.	Annual Payment.
15.....	446 08	1,475 82	1,921 90
16.....	379 67	1,542 25	1,921 90
17.....	310 27	1,611 63	1,921 90
18.....	237 74	1,684 16	1,921 90
19.....	161 96	1,759 94	1,921 90
20.....	82 76	1,839 14	1,921 90
		<hr/>	
		\$24,999 94	

2. The proceeds of the said debentures shall be applied in manner following, that is to say :—

The sum of \$25,000 to be loaned to the said Robert J. Disney under the said agreement.

3. To provide for the payment of the said sum of \$25,000 and interest thereon, as aforesaid, the sum of \$1,921.90 shall be levied and raised annually for a period of twenty years commencing with the year 1904, by special rate sufficient therefor on all the rateable property of the Town of Collingwood.

4. The said debentures shall be payable at the Bank of Toronto, Collingwood.

5. That the votes of the qualified electors of the said town shall be taken by ballot upon this By-law at the following time and places and by the undermentioned deputy-returning officers, that is to say;—*on Monday, the thirtieth day of March, 1903*, at the hour of nine o'clock in the forenoon, continuing until five o'clock in the afternoon of the same day at the following polling places by the following deputy-returning officers.

In polling sub-division No. 1, first ward, Town Hall, Hurontario Street, *George Gillson* deputy-returning officer.

In polling sub-division No. 2, second ward, Ditson's old store, lot 25, East Hurontario Street, *J. W. Archer* deputy-returning officer.

In polling sub-division No. 3, second ward, Mrs. Hill's residence, lot No. 8, East Ste. Marie Street, *W. C. Miller* deputy-returning officer.

In polling sub-division No. 4, third ward, James' pump factory, lot 13, East Beech Street, *M. J. Pomphrey* deputy-returning officer.

In polling sub-division No. 5, fourth ward, Thomas Gillson's house, lot 42, West Pine Street, *Patrick Howard* deputy-returning officer.

In polling sub-division No. 5, fourth ward, Patrick Howard's shoe shop, on the corner of Hurontario and Third Streets, *Thos. Gillson* deputy-returning officer

7. That at the hour of ten o'clock in the forenoon of *Friday, March 27th, 1903*, at the Town Hall, Collingwood, the persons to attend the various polling places on behalf of persons interested in promoting or opposing the passage of the by-law shall be appointed, and such persons shall also attend at ten o'clock in the forenoon of *Tuesday, 31st March, 1903*, at the said Town Hall, at the final summing-up of the votes given for and against the by-law together with the two persons to be appointed by the head of the municipality as required by *The Municipal Act*.

8. That the clerk of the said municipality at ten o'clock in the forenoon on the *31st March*, at the said Town Hall, shall sum up the votes given for and against this by-law and shall then and there declare the results.

9. That this by-law shall come into force and have effect from and after the passing thereof.

## SCHEDULE B. TO BY-LAW NUMBER 634.

This Agreement made in duplicate this Twenty-eight day of February, in the year of our Lord, one thousand nine hundred and three, between the Municipal Corporation of the Town of Collingwood of the first part, and Robert J. Disney of the Town of Hanover in the County of Bruce, and Province of Ontario, Manufacturer, of the second part.

Whereas the said party of the second part has proposed to form a Joint Stock Company, and to establish within the Town of Collingwood a large industry for the manufacture of furniture, and to employ at least not less than from seventy-five to eighty hands in the operation of the said industry, provided that the said Corporation would loan to him for a term of years, the sum of twenty-five thousand dollars, with interest at four and a half per cent. per annum, and fix the annual assessment of said industry for a period of ten years.

And whereas the said Corporation have agreed to make the said loan, and to fix the said assessment provided the same shall be approved of by the electors of the said town as hereinafter mentioned.

Now therefore this agreement witnesseth :—That the said parties hereto do hereby agree to and with each other in manner following, that is to say :—The said party of the second part doth for himself, his heirs, executors and administrators agree with the said Corporation as follows :—

1. That he will erect within the Town of Collingwood suitable buildings, equipped with all modern machinery and plant for the manufacture of furniture, such building to be of substantial character and to be built of brick, iron, cement or stone, at a cost of not less than fifteen thousand dollars.

2. That he will install in said buildings a first class plant and machinery for the manufacture of furniture at a cost of not less than fifty thousand dollars.

3. That he will commence building operations immediately upon the passing of the by-law hereinafter referred to and will commence producing manufactured material on or before the first day of January, 1904.

4. That he will pay the school taxes on said building, plant and machinery at an annual fixed assessment of twelve thousand five hundred dollars for a period of ten years, such taxation to begin immediately after the erection of said buildings and the installation of said plant.

5. That he will employ continuously at Collingwood in the operation of the said industry not less than seventy-five hands, and will increase the number as the business demands it.

6. That he will keep such industry in proper and continuous operation at the Town of Collingwood for a period of twenty years from the commencement of operations.

7. That he will insure the said buildings, plant and machinery in a Stock Company approved of by the Corporation, to an amount sufficient to protect the interest of the Corporation as they shall from time to time appear, and, if at any time during the said period of twenty years, the said buildings, plant and machinery, or any part thereof, should be destroyed by fire or otherwise, he shall either reinstate the same, or the said Corporation shall be entitled to be paid out of the said insurance monies an amount equal to a proportionate part of the said bonus which shall not have been earned by the said party of the second part.

8. That he will deposit with the said Corporation the sum of two hundred dollars as an evidence of his good faith, to be returned to him if the said By-law should not carry, and, in the event of its carrying, when he begins the erection of said buildings.

9. That upon the erection of the said buildings and the installation of the said plant, he will make to the said Corporation a first mortgage upon the said site, buildings, plant and machinery, to secure the repayment



ment of the said loan of twenty-five thousand dollars in manner following, that is to say :—He will pay interest at the rate of four and one half per cent. per annum yearly upon the unpaid principal from time to time remaining unpaid, and will pay off the principal sum in fifteen equal annual instalments, beginning at the expiration of five years from the beginning of operations, the first instalment to be due and payable five years from the beginning of operations with interest after the rate aforesaid, payable yearly upon the principal sum from time to time remaining unpaid.

In consideration whereof the said Corporation agrees with the said party of the second part as follows :—

10. That they will grant to the said party of the second part, or his assigns, by way of loan the sum of twenty-five thousand dollars, such sum to be payable in cash to the said party of the second part, or his assigns, upon the completion of the said buildings, or the installation of the said plant, or from time to time during the progress of the work, upon security satisfactory to the Corporation being given by the said party of the second part for the repayment of the said advances. Such loan to be secured by mortgage upon the said site, buildings, plant and machinery repayable with interest at four and one-half per cent. at the times and in the manner above set forth.

11. That they will fix the annual assessment of the said buildings, plant and machinery at the sum of twelve thousand five hundred dollars for a period of ten years, after which period the said buildings, plant and machinery shall be assessed in the same manner as if this agreement had not been made.

12. That they will supply from their system of waterworks, water to the extent of not more than two thousand gallons per day for manufacturing purposes only, free of charge to the said industry.

13. That they will, if the said parties of the second part require a site on the water front, grant a lease of a suitable site for twenty years at a fair rental to be hereafter determined, and at the end of twenty years the said lease shall be renewed for a further period of twenty years, and the rent thereof fixed by arbitration in the usual manner.

14. That they will submit a By-law to the duly qualified electors of the said Town to vote upon this agreement, as soon as conveniently may be after the execution of these presents.

It is also agreed that :—

15. The said mortgage to be given by the said party of the second part shall, besides the usual clauses contain a stipulation that, if the said industry shall cease operations for a period of six months, the said mortgage shall at once become due and payable without notice, and the said lease terminated.

16. This agreement shall be valid and binding upon the said Corporation only in the event of the assent of the electors thereof being duly given in the manner required by law.

17. The said Corporation agrees to provide adequate fire protection for the said industry provided it is located within a reasonable distance of the present mains of the Corporation's Waterworks System.

In witness whereof the said parties hereto have hereunto affixed their hands and seals the day and year first above written.

Signed, Sealed and Delivered {  
in the presence of

Signed, R. J. DISNEY, [L.S.]

W. A. HOGG,

Mayor.

[Corporate Seal.]

JOHN DUNCAN,

Clerk.

CHAPTER

## CHAPTER 47

An Act to amend The Cornwall Debenture Act,  
1891.

*Assented to 12th June, 1903.*

Preamble.

WHEREAS *The Cornwall Debenture Act, 1891*, being an Act passed in the 54th year of the reign of Her late Majesty Queen Victoria, and chaptered 66, consolidated certain debts of the Corporation of the Town of Cornwall and authorized the said corporation to issue debentures therefor to the amount of \$83,000, and provided in effect that a portion of such debentures should be made payable in each year for a period not exceeding thirty years from the 1st day of June 1891, so that the aggregate amount payable for principal and interest in any year should be equal as nearly as may be to what would be payable for principal and interest during each of the other years of the said period; and whereas the said municipal corporation has by petition represented that the council of the said municipality has, pursuant to the provisions of the said Act, from time to time passed by-laws and issued debentures thereunder, which said by-laws are specified in Schedule A to this Act, but by inadvertence the principal payable under each of said by-laws was made payable in annual instalments of such amount that the aggregate amount payable for principal and interest in each year is equal to the amount payable for principal and interest in each of the other years, under such by-law; and whereas by issuing the debentures under the said by-laws the rate to pay the said consolidated debt has been from time to time increased as each succeeding by-law was passed and debentures issued thereunder, contrary to the provisions of the said Act; and whereas doubts have arisen as to the validity of the said several by-laws and of the said debentures and it is desirable to remove the same; and whereas owing to the matters aforesaid the further by-laws to be passed and debentures to be issued under the said Act cannot be so passed and issued as to comply with the requirements thereof and it is necessary to amend the same; and whereas the council of the said municipal corporation has without the approval of the Lieutenant-Governor in Council, invested certain moneys at the credit of a sinking fund for the payment of outstanding school debentures in the purchase of certain of the said consolidated debt debentures; and whereas the said school debentures are falling due and it is necessary to sell and dispose of such consolidated debt

debt debentures to pay the same; and whereas in and by the said petition the said municipal corporation has prayed for relief in the matters aforesaid, and it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. All by-laws of the Corporation of the Town of Cornwall purporting to be passed by the said corporation under and pursuant to the provisions of *The Cornwall Debenture Act 1891*, passed in the 54th year of the reign of Her late Majesty Queen Victoria, and chaptered 66, and more particularly specified in Schedule A hereto, and all debentures issued or to be issued thereunder and all rates levied or to be levied for the payment thereof are validated and confirmed and declared to be valid and binding upon the said corporation and the rate-payers thereof.

By-laws con-  
firmed.

2. Section 4 of the said Act is repealed.

54 V. c. 66, s.  
4 repealed.

3 Section 5 of the said Act is repealed and the following section substituted therefor:—

54 V. c. 66, s.  
5 repealed.

5. The debentures to be issued under any by-law passed pursuant to section 2 of this Act shall be made payable within a period of thirty years from the first day of June, 1891, and the principal shall be made payable in yearly sums of such amount that the aggregate amount payable for principal and interest in any year, under such by-law, shall be equal as nearly as may be to what is payable for principal and interest during each of the other years under such by-law. The said debentures may bear interest at any rate not exceeding five per cent per annum, payable yearly on the first day of June in each and every year at such place as may be named therein. The said debentures may have coupons for the payment of interest attached thereto, or the council may include the interest on the debentures with the principal in the amount of the debentures in lieu of the interest being payable separately in respect of each debenture.

Issue of debentures.

4. The said corporation may issue, sell and dispose of such of the said consolidated debt debentures as have been held in any sinking fund of the said corporation.

Power to sell  
debentures.



## SCHEDULE A.

Number of By-law.	When passed.	Amount of Debentures.	Date of issue.	Period after date within which debentures payable.	Rate of Interest.
By-law No. 19 of 1891.....	18 May 1891	\$31,546.00	1 June 1891	30 years	4½ per cent.
By-law No. 16 of 1892.....	4 Apl. 1892	4,000.00	28 Feby. 1893	25 "	4½ "
By-law No. 9 of 1893.....	5 Feby. 1894	2,649.00	2 Feby. 1894	25 "	4½ "
By-law No. 31 of 1894.....	5 Nov. 1894	2,315.00	29 Nov. 1894	25 "	4½ "
By-law No. 8 of 1896.....	26 Feby. 1896	2,386.00	14 Apl. 1896	25 "	4½ "
By-law No. 19 of 1896.....	14 Sept. 1896	2,460.00	23 Nov. 1896	25 "	4 "
By-law No. 32 of 1897.....	24 Nov. 1897	2,538.00	24 Nov. 1897	24 "	4 "
By-law No. 17 of 1898.....	22 July 1898	2,621.00	28 July 1898	22 "	4 "
By-law No. 42 of 1899.....	15 Dec. 1899	2,737.00	15 Dec. 1899	20 "	4 "
By-law No. 25 of 1900.....	10 Dec. 1900	2,335.00	10 Dec. 1900	20 "	4 "
By-law No. 24 of 1901.....	16 Dec. 1901	1,605.22	31 Dec. 1901	19 "	4 "
By-law No. 19 of 1903.....	7 Mar. 1903	1,258.00		18 "	4½ "

## CHAPTER 48

## An Act to consolidate the Debt of the Town of Deseronto.

*Assented to 22nd May, 1903.*

WHEREAS the Municipal Corporation of the Town of Deseronto has by petition represented that the said corporation has incurred debts to the amount of \$61,897, being \$23,120 on account of railway debentures, \$5,572 for high school debentures, \$30,870 for waterworks debentures and \$2,335 for fire appliance debentures, and that the sum of \$34,103 is required as requested by the public school board of Deseronto to erect a public school building, furnish it and remodel the old school building, making in all \$96,000; and whereas it has been made to appear that the members of the council of the said municipal corporation and of the public school board thereof are unanimously in favor of the said expenditure for school purposes and that the citizens of the said town have had an opportunity of carefully considering the said matter and are practically unanimous in approving of the same; and whereas the said corporation by its said petition has prayed that the said debts may be consolidated, and that the said corporation may issue new debentures for the amount thereof and the amount required for school purposes aforesaid; and whereas it is expedient to grant the prayer of the said petition;

Preamble.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. It shall be lawful for the Corporation of the Town of Deseronto aforesaid to raise by way of loan on the credit of the debentures to be issued under authority of this Act, from any person or persons or body corporate, a sufficient sum or sums to retire the said existing debentures amounting to \$61,897, and to erect a public school building, furnish it and remodel the old school building, amounting to \$34,103 not exceeding in the whole the said sum of \$96,000, exclusive of interest thereon.

Debt consolidated and debentures for \$96,000 authorized.

2. It shall be lawful for the said corporation from time to time to pass a by-law or by-laws providing for the issue of debentures.

Issue of debentures.

debentures under their corporate seal, signed by the mayor and countersigned by the treasurer for the time being, in such sums not less than \$100 each, and not exceeding in the aggregate \$96,000, and payable at such places as the corporation may deem expedient.

Power to sell  
or borrow on  
debentures.

3. The said corporation may for the purposes herein mentioned raise the money by way of loan on the said debentures or sell and dispose of the said debentures from time to time as it may deem expedient.

Payment of  
debentures  
and interest.

4. The said debentures shall be payable in not more than thirty years from the issue thereof, as the said corporation may direct. Coupons shall be attached to the said debentures for the payment of the interest thereon, and such interest shall be payable yearly at the places mentioned therein, and in the coupons attached thereto, and such debentures may bear interest at any rate not exceeding four per cent. per annum.

Term of  
debentures.

5. A portion of the \$96,000 of debentures to be issued under this Act shall be made payable each year for a period not exceeding thirty years from the issue thereof, and so that the aggregate amount payable for principal and interest in any one year shall be equal as nearly as may be to what is payable for principal and interest for each of the other years of the period within which the debt is to be discharged.

Special rate.

6. The said corporation shall levy in addition to all other rates to be levied in each year a special rate sufficient to pay the amount falling due annually for principal and interest in respect of the debentures authorized to be issued under this Act to be called the "consolidated debenture rate," and it shall not be necessary to levy for, or to provide any sinking fund to retire the said debentures or any of them.

Application  
of proceeds of  
debentures.

7. The said debentures and all moneys arising therefrom shall be applied by the said corporation in the redemption of the debentures of the Town of Deseronto to the amount of \$61 897, and in the erection and furnishing of a public school building and remodelling the old school building, amounting to \$34,103, and in no other manner, and for no other purpose whatsoever, and such debentures may be known as the "consolidated debt debentures."

Retirement of  
outstanding  
debentures.

8. The treasurer of the said town shall, on receiving instructions from the council so to do, from time to time, but only with the consent of the holders thereof, call in any of the outstanding debentures, and shall discharge the same with the funds raised under the preceding sections of this



Act; or may, with the like consent, substitute therefor the said debentures or any of them hereinbefore authorized to be issued, upon such terms as may be agreed upon between the said council and the holders of the said outstanding debentures.

9. Any by-law to be passed under this Act shall not be repealed until the debt created under such by-law and the interest thereon shall be paid and satisfied.

By-law not to be repealed until debt satisfied.

10. It shall not be necessary to obtain the assent of the electors of the said Town of Deseronto to the passing of any by-law which shall be passed under the provisions of this Act, or to observe the formalities in relation thereto prescribed by *The Municipal Act*.

Assent of electors not required.

Rev. Stat. c. 223.

11. It shall be the duty of the treasurer, for the time being, of the said town to keep, and it shall be the duty of each of the members, from time to time, of the said municipal council to procure such treasurer to keep, and see that he does keep a proper book of account, setting forth a full and particular statement, so that the same shall at all times show the number of debentures which, from time to time, shall be issued under the powers conferred by this Act, and the respective amounts, payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall, from time to time, be realized from the sales or negotiation of the said debentures, and the application which shall, from time to time, be made of the said amounts; and the said book of account and statement shall at all times, and at all reasonable hours be open to the inspection of any ratepayer of the said town, and of any of the holders, from time to time, of the debentures which shall be issued under the powers hereby conferred, or any of such debentures.

Treasurer to keep proper books of account.

12. Nothing in this Act contained, shall be held or taken to discharge the Corporation of the Town of Deseronto from any indebtedness or liability which may not be included in the said debt of the said Town of Deseronto.

Indebtedness of town not discharged.

13. The debentures issued under this Act may be in the form contained in Schedule A to this Act, and the by-law or by-laws authorizing the same may be in the form of Schedule B to this Act.

Form of debentures.

14. Any provisions in the Acts respecting municipal institutions in the Province of Ontario, which are or may be inconsistent with the provisions of this Act, or any of them shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act, and no irregularity in the form of the said debentures, or any of them

Inconsistent enactments not to apply.

them, authorized to be issued by this Act, or of the by-law or by-laws authorizing the issue thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the corporation for the recovery of the amount of the said debentures and interest, or any or either of them, or any part thereof, and the purchaser or holder thereof shall not be bound to enquire as to the necessity of passing such by-law or issue of debentures, or as to the application of the proceeds thereof.

Short title.

**15** This Act may be cited as *The Town of Deseronto Debenture Act, 1903.*

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## SCHEDULE A.

(Section 13.)

### DEBENTURE.

PROVINCE OF ONTARIO, TOWN OF DESERONTO.

No.

\$

Under and by virtue of *The Town of Deseronto Debenture Act, 1903*, and By-law No. of the corporation of the Town of Deseronto, passed under the provisions contained in the said Act, the corporation of the Town of Deseronto promises to pay the bearer at in

the sum of on the day of

A. D. and the yearly coupons hereto attached,

as the same shall severally become due.

Dated at Deseronto, in the County of Hastings, this day  
of A. D.

Mayor.

Treasurer.

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## SCHEDULE

## SCHEDULE B.

*(Section 13.)*

BY-LAW NO.        TO AUTHORIZE THE ISSUE OF DEBENTURES UNDER THE  
AUTHORITY OF THE TOWN OF DESERONTO DEBENTURE ACT, 1903.

Whereas the said Act authorizes the issue of debentures for the purposes therein mentioned, not exceeding \$96,000 in the whole as the corporation of the Town of Deseronto may, in pursuance of and in conformity with the provisions of the said Act, direct.

And whereas for the purposes of the said Act it is necessary and expedient to issue debentures to the extent of \$        payable  
with interest thereon at the rate of  
per centum per annum, payable yearly, according to the coupons to the said debentures attached.

And whereas the amount of the whole rateable property of the said Town of Deseronto, according to the last revised assessment roll of the said town, being for the year       , was \$       .

Therefore, the municipal corporation of the Town of Deseronto enacts as follows :—

(1) Debentures under the said Act and for the purposes mentioned therein to the extent of \$       , are hereby authorized and directed to be issued.

(2) The said debentures shall have coupons attached thereto for the payment of interest at the rate of        per centum per annum, payable yearly on the        day of        in each year.

This by-law passed in open council this        day of  
in the year of our Lord,

CHAPTER

CHAPTER



## CHAPTER 49.

## An Act respecting the Municipality of Dysart

*Assented to 22nd May, 1903.*

Preamble:

WHEREAS the Municipality of Dysart, The Canadian Land and Immigration Company of Haliburton, Limited, The Canadian Bank of Commerce and William Henry Lockhart Gordon, of the City of Toronto in the County of York, Esquire, did enter into an agreement on the 1st day of November, 1902, extending for a further period of five years from the date of the said agreement the provisions of an agreement made between the said parties on the 25th day of November, 1896, which last mentioned agreement adopted and extended the provisions of an agreement made by the Municipality of Dysart on the 31st day of July, 1885, regarding the assessment of the real and personal property within the Municipality of Dysart owned on joint account by The Canadian Land and Immigration Company of Haliburton, Limited, The Canadian Bank of Commerce and the said William Henry Lockhart Gordon; and whereas the said agreements of the 31st day of July, 1885, and the 25th day of November, 1896, have already been confirmed by Acts of the Legislature, being respectively the Act passed in the 50th year of the reign of Her Late Majesty Queen Victoria, chaptered 49, and the Act passed in the 60th year of the reign of Her Late Majesty Queen Victoria, chaptered 63; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Agreement  
between the  
Municipality  
of Dysart and  
others con-  
firmed.

1. The said agreement entered into by and between the Municipality of Dysart, The Canadian Land and Immigration Company of Haliburton, Limited, The Canadian Bank of Commerce and William Henry Lockhart Gordon on the 1st day of November, A. D. 1902, a copy of which is set out in the Schedule to this Act is hereby legalized and confirmed.

## SCHEDULE.

This indenture made this first day of November one thousand nine hundred and two, between the Municipality of Dysart, hereinafter called the "Municipality" and of the first part; the Canadian Land and Immigration Company of Haliburton, Limited, the Canadian Bank of Commerce, and William Henry Lockhart Gordon, of the City of Toronto, in the County of York Esquire, of the second part.

Whereas the said Municipality did enter into an agreement with the said parties hereto of the second part on the 25th day of November, A. D. 1896, making an agreement entered into with the Canadian Land and Immigration Company Limited, on the 31st day of July, A. D. 1885, regarding the manner in which the said company's real and personal property within the Municipality of Dysart should be assessed applicable to the property which the said parties of the second part acquired from the said Company and binding on the parties hereto for the period of five years from the date of the said agreement.

And whereas the said agreement having worked satisfactorily to all the parties to this agreement, they are desirous of extending the same for a further period of five years from the date of these presents.

Now therefore this indenture witnesseth that the parties hereto agree that the said agreements are to be and remain in full force and effect for a period of five years from the date of these presents.

In witness whereof the said Municipality, the said Company and the said Bank have hereunto caused to be affixed their corporate seals, and the said William Henry Lockhart Gordon his hand and seal the day and year first above written.

Signed, sealed and delivered  
in the presence of

W. PRUST,  
as to execution by

J. R. ERSKINE,  
Reeve of Dysart.

(Sgd.) J. R. ERSKINE,  
Reeve of Dysart. (S.)

EDWARD V. O'SULLIVAN,  
as to execution by William Henry  
Lockhart Gordon and the Canadian  
Land and Immigration Company of  
Haliburton, Ltd.

(Sgd.) W. H. LOCKHART GORDON,  
President. (S.)

(Sgd.) H. D. LOCKHART GORDON,  
Secretary. (S.)

Witness :

E. B. MACKENZIE.

(Sgd.) GEO. A. COX,  
President. (S.)

(Sgd.) J. H. PLUMMER,  
A. G. M. (S.)

(Sgd.) W. H. LOCKHART GORDON, (S.)

## CHAPTER 50.

An Act respecting the Town of East Toronto and  
Balmy Beach Park.*Assented to 12th June, 1903.*

WHEREAS the late Sir Adam Wilson by unregistered deed dated the 27th of January, 1875, did grant to James Beaty and Benjamin Morton, certain lands on plan 406, registered in the Registry Office for the County of York, known and designated thereon as the Promenade, together with the beach adjoining and fronting said promenade, to hold the said promenade and beach for the common use and enjoyment as a promenade or place of general resort for the owners or occupiers of the lands included on the said plan; and whereas it is doubtful whether the said deed ever came into operation, owing to the fact that the same was not executed by or delivered to the trustees; and whereas by deed dated the 11th day of October, 1889, and registered in the Registry Office for the County of York as number 1003, the said Sir Adam Wilson granted to the said James Beaty and one John Latimer Kerr the lands hereinbefore described, together with the water lot in front of said promenade upon trust, to hold the said lands as a place of recreation for the use of the owners, occupants, tenants and under-tenants of the lots and parts of lots on said plan 406; and whereas John Latimer Kerr, the sole surviving trustee under the last recited deed, did by deed dated the 2nd day of March, 1903, grant and convey to the Town of East Toronto in fee simple the said lands upon the like trusts set forth in the last recited deed; and whereas the said trust deeds do not make provision for the maintenance of the said promenade, or for the payment of the taxes thereon, or for improving the same, or the management thereof; and whereas for the purpose of perfecting the title to the said lands and declaring the trusts upon which the same are to be held, and for the purpose of preserving the said promenade as a park and improving the same, the Municipal Council of the Corporation of the Town of East Toronto and the property owners on said plan 406 have presented their petition praying that the said promenade, beach and water lot in front thereof may be declared to be vested in the said corporation to be used as a park or place of amusement and entertainment for the owners of property and persons residing on plan 406 and their visitors, and to persons residing in the said Town of East Toronto and their visitors, and that power  
may



may be granted to the said corporation to improve the said park, to borrow money for that purpose, to make and collect charges for the repayment and maintenance thereof, to make rules and by-laws for the general management of the said park, and to appoint a board of commissioners to manage the same; and whereas it is expedient to grant the prayer of the said petitioners;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said deed dated the 2nd day of March, 1903, from the said John Latimer Kerr to the Corporation of the Town of East Toronto of all and singular that part of Lot number Two (2) in the broken front concession of the Township of York, and known as the Private Promenade, as shown and set forth on the plan number 406, registered in the Registry Office for the County of York, having a frontage of 200 feet along the beach from east to west, coming around in a northerly and westerly direction on the east side and in a northerly and easterly direction on the west side until such circular side or circuit meets respectively the east and west limits of Beach Avenue; thence in a straight line at right angles to such limits across said Beach Avenue, at a distance southerly from the northerly limits respectively of lots 78 and 79 on said plan 406, of fifteen feet, the said Promenade being situate between said lots 78 and 79 as laid out on said plan 406, together with the beach or dry land in front of the said promenade the full width thereof on such front, and extending from the southerly limit of such Promenade as marked out on the said plan to the water's edge as it may be from time to time; together also with the water lot in front of said Promenade and beach of the full width thereof of 200 feet from east to west, and of the full depth of said water lot southerly into Lake Ontario, being ten chains as set forth in the patent thereof from the Crown to the late Sir Adam Wilson, is hereby declared to have granted to the Town of East Toronto the fee simple in the said lands hereinbefore particularly described, and all the right, title and interest of the late Sir Adam Wilson, or of any other person or persons, corporation or corporations claiming by, from or through him and the said last mentioned deed is hereby confirmed and made absolute and binding upon all persons, and corporations now or hereafter claiming any right, title or interest in the said lands.

Fee simple in certain lands vested in Town of East Toronto.

2. It is hereby declared that the Corporation of the Town of East Toronto shall from and after the passing of this Act hold the said lands as a park and place of recreation for the use of all owners of property and persons residing on plan 406 and their visitors, and for the use of all persons residing in the Town of East Toronto and their visitors.

Land to be for a park.

Name of.

3. The said Promenade shall hereafter be known and designated as "Balmy Beach Park."

Management  
of, vested in  
board of con-  
trol.

4. The general management, regulation and control of the said park, and of all properties, both real and personal, appertaining or belonging thereto, or which may hereafter be acquired and established under the provisions of this Act shall be vested in and exercised by a board to be called "The Board of Management of the Balmy Beach Park."

Incorporation  
of board and  
how com-  
posed.

5. The said board shall be a body politic and corporate and shall be composed of the mayor of the town and six other persons who shall not be members of the council of the said corporation. Two of the said board shall be residents on land in the Township of York included in the said plan 406, two shall be owners of land included in the said plan 406 in the said town and the other two shall be residents of the said town, and all six persons shall be appointed by the council of the said corporation on the nomination of the mayor.

Term of office.

6.—(1) The appointed members of the board shall hold office for two years, (except in the case of the members of the first board, three of whom shall be appointed to hold office for one year, from the said first day of July 1903) said members after the first year retiring in rotation, three each year; but every member of the board shall continue in office after the time named until his successor is appointed, and shall be eligible to reappointment.

Vacancies in  
board.

(2) In case of a vacancy by the death or resignation of a member, or from any cause other than the expiration of the time for which he was appointed, the member appointed in his place shall hold office for the remainder of his term.

Commence-  
ment of term  
of office.

(3) Subject to these provisions, each of the appointed members shall hold office for two years from the first day of July in the year in which he is appointed.

First appoint-  
ment of mem-  
bers, when  
made.

(4) The first appointment of members of the board shall be made at the first regular meeting of the council held after the first passing of this Act.

Annual  
appointments.

(5) Thereafter the appointments shall be made annually, at the first meeting of the municipal council of the said town held after the first day of July; and any vacancy arising from any cause other than the expiration of the time for which the member was appointed shall be filled at the first meeting of the council held after the occurrence of the vacancy.

First meeting  
of board.  
when held.  
Appointment  
of chairman  
and secretary.

(6) The members of the first board, within ten days after their appointment, and on such day and hour as the mayor shall appoint (notice of the appointment in writing, signed by the mayor, having been duly sent to the address of each member

member at least one week before the day and hour named therein) shall meet at the office of the mayor for the purpose of organization, shall elect one of their number chairman, and shall appoint a secretary, who may be either one of their own members, or any other person they may select.

(7) If for any reason appointments are not made at the said dates, the same shall be made as soon as may be thereafter. Time of appointment.

(8) The chairman and secretary shall hold their places at the pleasure of the board, or for such period as the board shall prescribe. Term of office of chairman and secretary.

(9) When the chairman or secretary is absent, or unable to act, the board may appoint a chairman or secretary *pro. tem.* Chairman or secretary *pro. tem.*

(10) The board shall meet at such times as they may by by-law determine. Meetings of board—when held.

(11) The chairman or any two members may summon a special meeting of the board by giving at least two days' notice in writing to each member, specifying the purpose for which the meeting is called. Special meetings.

(12) The office of any member of the board who shall be absent from the meetings of the board for three successive months, without leave of absence from the board, or without reasons satisfactory to the board, shall be declared vacant by the board, and notice thereof shall be given to the council at the next meeting of the council. When office of member to be vacant.

(13) No business shall be transacted at any special or general meeting, unless four members are present. Quorum of members.

(14) All orders and proceedings of the board shall be entered in books to be kept by them for that purpose, and shall be signed by the chairman for the time being. Minutes of meetings—how kept.

(15) The orders and proceedings so entered, and purporting to be so signed, shall be deemed to be original orders and proceedings, and the books may be produced and read upon any judicial proceedings as evidence of the orders and proceedings. To be received as evidence.

7. The members of the board shall serve without compensation. Compensation.

(a) No member of the board, or alderman, or member of the town council, shall have any contract with the board, or be pecuniarily interested, directly or indirectly, in any contract or work relating to the park or park property. Who may not be a member.

8. The board, from time to time, may employ such officers as may be required for the superintendency and management of the park, and may prescribe their duties and compensation, and may from time to time dismiss any persons so appointed. Employment of officers.



Examination  
of books by  
members of  
board.

9. The board shall keep all papers and documents appertaining to the business of the board, and all books kept by the board shall be open to the examination of the members of the council, and of any other person or persons appointed for that purpose by the council.

Books, how  
audited.

10. The board shall keep distinct and regular accounts of their receipts, payments, credits and liabilities; and the accounts shall be audited by the auditors of the municipality and shall thereafter be laid before the council by the board.

Powers of  
board.

11. The board shall have the following powers:—

(1) Power to take possession of and pull down all boat houses or other erections now erected on the said lands, or such part thereof as they shall think proper to be pulled down, and may level and clear the ground whereon the same stand in such manner as they think proper.

(2) Power to lay out, and enclose the park in such manner as they shall think fit.

(3) Power to erect buildings and break-waters, and generally to improve the said park and water lot.

(4) Power to fix a scale of fees or charges to be paid by any person or persons for the use of any special privilege in the said park, or for the use of the boat houses or other accommodations, and to collect such fees or charges.

(5) Power to make rules and regulations for the opening or closing of the gates or entrances to the park, or any of them at such hours as they may think fit.

(6) Power to pass rules, regulations or by-laws preventing and excluding any person or persons from using the said park or any of the privileges appertaining thereto, who shall not be entitled to the use of the said park under and by virtue of this Act, or who shall have neglected or omitted to pay any of the fees or charges fixed by the board for the use of the special privileges of the said park as aforesaid.

(7) Power to pass by-laws restricting the use of the said park and the privileges thereto appertaining, to the owners of property and persons residing on plan 406 and their visitors, and to persons residing in the Town of East Toronto and their visitors, and to exclude any other person or persons not coming within the meaning and intent of this sub-section.

(8) Power in case of misconduct of any person or persons whilst within the park limits to eject and exclude such person or persons from the said park either absolutely or temporarily as the said board may see fit.

(9) Power to pass by-laws and regulations preventing any unseemly conduct or the use of any improper language, or  
any

any infraction of *The Lord's Day Act* by any person or persons using the said park or the privileges appertaining there-  
to. Rev. Stat. c. 246

(10) Power to pass by-laws, rules and regulations respecting the protection and government of the park, and for the preservation of the trees, shrubs, walks, seats, gates, fences and palings and all other parts thereof, and of the buildings and erections thereon or any part thereof.

(11) Power to alter or revoke any such rules, regulations or by-laws, and to amend the same.

(12) Power to attach penalties for the infraction of their by-laws, and the same shall be enforced by summary proceedings before any Justice of the Peace or Police Magistrate having jurisdiction in the locality in which the offence is committed, in the manner and to the extent that by-laws passed by municipal councils may be enforced.

(13) Power to borrow with the consent of the council such sum and sums of money as the board may require for any of the purposes aforesaid, either by way of mortgage of the said lands and premises under the corporate seal of the said board, or upon debentures issued by the said board under its corporate seal, or otherwise as the said board shall see fit.

**12.** The by-laws, rules and regulations of the board shall be sufficiently authenticated by being signed by the chairman of the board; and a copy of any by-law, written or printed, and certified to be a true copy by any member of the board, shall be received as evidence in any court of justice or elsewhere without proof of any such signature; unless it is specially pleaded or alleged that the signature to the original by-law had been forged. By-laws, how authenticated.

**13.** The revenue to be received from the sources authorized by this Act shall be applied as follows:— Application of revenue.

1. To the necessary outgoing expenses necessary to the preservation, improvement and maintenance of the park, and to the payment of salaries of assistants and others employed by the board and other incidental expenses.

2. To the payment of the interest payable on any sums of money borrowed as aforesaid by the board.

3. To the payment of the principal moneys due or owing on such borrowed moneys.

4. When all indebtedness owing by the board has been fully satisfied the surplus moneys shall be invested by the trustees, and the income derived therefrom shall be applied towards the improvement of the park and general maintenance thereof.

Entrances to  
Park.

**14.** The entrances to the said park shall remain as at present located but may be enlarged with the consent of the board.

Annual Re-  
port.

**15.** The board shall make an annual report to the council setting forth the receipts and expenditure of the year, and such other matters as may be of interest to those entitled to use the said park.

By-law re  
exemption  
from taxation.

**16.** The Corporation of the Town of East Toronto is empowered to pass a by-law exempting the said park from taxation and remitting any taxes now charged against the said lands.



## CHAPTER 51.

## An Act respecting the Village of Fenelon Falls.

*Assented to 12th June, 1903.*

**W**HEREAS the Municipal Corporation of the Village of Fenelon Falls has by its petition represented that the said corporation has passed a by-law to authorize the purchase by the said municipal corporation of first preference stock to the amount of \$15,000 in Sandford Woodenware, Limited, and to provide for the issuing of debentures of the said municipal corporation to the amount of \$15,000 to raise the sum required therefor; that the said by-law was submitted to a vote of the ratepayers when there were 159 votes in favor and only 7 votes against the same; that Sandford Woodenware Limited, mentioned in the said by-law has since been incorporated under the name of Sandford Furniture and Woodenware, Limited, and has entered into an agreement with the municipal corporation pursuant to the provisions of the said by-law; and whereas the said municipal corporation has by its petition further represented that the said municipal corporation has passed a by-law respecting water, light and power in the Village of Fenelon Falls, after the same had been duly submitted to the ratepayers, when there were 121 votes in favor of and 30 votes against the same, and that an agreement with reference to the said matters has been entered into between Messrs. McDougal, Brandon and Austin and The Fenelon Falls Electric Light Company, Limited, of the one part and the said municipal corporation of the other part; and whereas the said municipal corporation has by its said petition prayed that the said by-laws may be legalized and declared valid and binding and that the said agreements may be ratified and confirmed; and whereas no opposition has been offered to the said petition and it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. By-law No. 427 of the Municipal Corporation of the Village of Fenelon Falls, set forth as Schedule A to this Act, and the debentures to be issued thereunder as therein provided are confirmed and declared valid and binding on the said municipal corporation, and it is declared that the said by-law applies to and shall enure to the benefit of Sandford Furniture and Woodenware, Limited, as though the same

By-law 427  
confirmed.

were mentioned therein wherever Sandford Woodenware Limited, is mentioned.

Agreement  
with Sanford  
Furniture and  
Woodenware,  
Limited,  
confirmed.

2. The said agreement between Sandford Furniture and Woodenware, Limited, and the said municipal corporation, set forth as Schedule B to this Act, is ratified and confirmed and declared valid and binding on the parties thereto, and it is expressly declared that where any provisions in the said agreement vary or conflict with the provisions of the said by-law, the said agreement shall govern, and the said municipal corporation is authorized and empowered to pass all necessary by-laws to carry out the said agreement; provided, however, that nothing in the said agreement or this Act contained shall affect the assessment or taxation of any property for school purposes.

Council to  
elect one  
Director of  
Company.

3. So long as the said municipal corporation shall hold the \$15,000 preference stock referred to in the said By-law, No. 427, or the major part thereof for the time being outstanding the municipal council of the said corporation shall have power from time to time, by by-law, to elect one director of Sandford Furniture and Woodenware, Limited, who shall hold office during the pleasure of the council, and such director shall not be required to hold any stock or have any other qualifications.

Power to  
Company to  
redeem prefer-  
ence stock.

4. Sandford Furniture and Woodenware, Limited, may from time to time redeem or buy in for cancellation the whole or any part of their preferred stock in sums of not less than \$100 upon payment of the par value thereof, together with all unpaid dividends thereon and interest, as provided in their charter up to the date of such redemption, the respective shares to be paid off to be decided by lot in case the parties cannot agree upon the same.

Preference  
Stock to be  
used for pay-  
ment of  
Debentures.

5. The said preferred stock when purchased by the said corporation shall be held upon, and the same is hereby impressed with a trust for the payment of the debentures to be issued under the said By-law No. 427, and interest thereon, and the said stock and dividends thereon and proceeds from sales thereof and interest thereon shall not be used for any other purpose until the said debentures and interest thereon have been fully paid and satisfied.

Power of  
Council to sell  
preference  
stock.

6. The council of the said corporation shall from time to time by a vote of two-thirds of the whole council have power to sell and dispose of the said preference stock or any part thereof, and the proceeds of such sales shall be used in the payment of the said debentures and the interest thereon, but should the whole proceeds of any sale not be required for the said purpose by reason of the debentures not being due and

and payable at the time of such sale, such part of the proceeds as is not immediately so required shall be set apart and invested at interest until the same is required for the said purpose.

7. The council shall also have power in case default is at any time made in the payment of dividends on the said stock, or in case moneys are required to pay an instalment of principal of the debentures, to borrow money on the credit of the corporation, and pledge the said stock and dividends as security therefor. Power to  
pledge stock.

8. It shall not be necessary for the council of the said municipal corporation to raise the sum of \$1,153.14, as required by section 4 of the said by-law, No. 427, provided they have from dividends or proceeds of the sale of the said stock and interest thereon, or from loan raised, as provided for in the next preceding section, sufficient moneys on hand to pay the same, and if they have part of the moneys on hand it shall only be necessary to raise the balance of the said sum required under the said by-law. Power to  
Council to  
vary terms of  
By-law.

9. (1) By-law, No. 428 of the Municipal Corporation of the Village of Fenelon Falls, set forth as Schedule C to this Act, as amended by this section, and the debentures issued thereunder, and the agreement between Messrs. McDougall, Brandon and Austin and The Fenelon Falls Electric Light Company, Limited, of the one part, and the said municipal corporation of the other part, dated the 24th day of March, 1903, set forth as Schedule D to this Act, are ratified and confirmed and declared valid and binding upon the parties thereto, and the municipal council of the said corporation is hereby authorized and empowered to issue debentures as provided for by the said by-law as so amended and the said agreement and to carry out the said purchase. By-law 428  
and agreement  
pursuant  
thereto con-  
firmed.

(2) The said By-law No. 428 is amended by striking out enacting clause numbered 1 thereof, and substituting therefor the following clause :—

That for the purposes aforesaid or any of them, it shall be lawful for the reeve of the said corporation and he is hereby authorized and required to cause debentures of the Village of Fenelon Falls to be made, executed and issued for such amount as may be required for the purposes aforesaid, or any of them, not, however, exceeding in the whole the sum of \$75,000, in sums of not less than \$100, payable in annual instalments on the first day of July in each year, beginning with the year 1909, for twenty-five years, for the following amounts respectively, that is to say :—



1909.....	\$1,800.00
1910.....	1,850.00
1911.....	1,950.00
1912.....	2,050.00
1913.....	2,100.00
1914.....	2,200 00
1915.....	2,250.00
1916.....	2,400.00
1917.....	2,450.00
1918.....	2,550.00
1919.....	2,650.00
1920.....	2,800.00
1921.....	2,900.00
1922.....	3,000.00
1923.....	3,100 00
1924.....	3,250.00
1925.....	3,350.90
1926.....	3,500.00
1927.....	3,650.00
1928.....	3,800.00
1929.....	3,950.00
1930.....	4 100.00
1931.....	4,250.00
1932.....	4 450.00
1933.....	4,650 00

(3) The said By-law No. 428 is further amended by striking out the clause numbered 3 thereof, and substituting therefor the following clause :—

That there shall be raised and levied in each of the years 1904, 1905, 1906, 1907 and 1908 the sum of \$3,000.00 for the payment of the interest upon the said debentures, by a special rate sufficient therefor, on all the rateable property in the Municipality of the Village of Fenelon Falls, and that there shall be raised and levied in each year, for the year 1909 and twenty-four following years, for the payment of the said debt and interest and the debentures issued therefor, the sum of \$4,801.52, by a special rate sufficient therefor, on all the rateable property in the Municipality of the Village of Fenelon Falls, the same being sufficient to discharge the several yearly sums of principal and interest accruing due as the said yearly sums become respectively due and payable according to the terms of this by-law ; provided that the Corporation may deduct from the said sum in any year any surplus revenue from the said properties, which they may have on hand, and may deduct the sums necessary to be raised to pay on any of the said debentures which may not at that time have been issued, and raise the balance only of the

the said sum in that year by special rate, in which case the said surplus revenue shall be applied in payment of the said debentures and interest thereon.

10. The properties mentioned in the said agreement and all extensions, alterations, developments and additions thereto and improvements thereof shall be and the same are hereby charged with the repayment of the debentures which may be issued under the terms of the said By-law No. 428 as by this Act amended and the interest thereon, and the holders from time to time of any such debentures shall have a charge on the said properties, extensions, alterations, developments, additions and improvements for the securing of such debentures and interest, preferential to the claim of the holder of any other debentures issued by the said municipal corporation for any purpose other than in said By-law No. 428 and in this Act mentioned.

Properties  
charged with  
Debentures.

11. The said debentures shall be issued by the reeve and treasurer of the said corporation, for the time being, from time to time, upon the request of the Board of Commissioners hereinafter mentioned, and it shall not be necessary to issue all the said debentures at one time nor within two years from the passing of this Act, and such debentures shall be for such sum or sums as may be required by the said board for any of the purposes aforesaid which may be decided upon but so that the total amount of indebtedness represented by debentures outstanding shall not at any time exceed the amount of \$75,000.

Debentures  
be issued by  
reeve and  
treasurer.

12. *The Municipal Water Works Act and The Municipal Light and Heat Act* shall apply to the said properties when purchased and any properties hereafter acquired, and all extensions and developments thereof, and the same shall be managed by a board of four commissioners who shall be a corporate body under the name of The Board of Water, Light and Power Commissioners of the Village of Fenelon Falls, with perpetual succession and a common seal, and who shall have all the rights, powers, privileges, authorities and immunities, expressed to be given to commissioners or to municipal councils under either of the said Acts.

Chapters 234  
and 235  
R. S. O. made  
applicable.

13. The said board of commissioners shall have all the powers conferred upon municipal councils under section 564 of *The Municipal Act* and in addition shall have and exercise the powers following:—

Powers of com-  
missioners.  
Rev. Stat.  
c. 223.

(a) Power to generate or develop electric energy by means of water power or otherwise, either in the said municipality or elsewhere.

(b) Power to construct, maintain and operate waterworks for all

all purposes, and to construct and maintain a sewerage system throughout the said village or any part thereof.

(c) Power to purchase, lease, or otherwise acquire and hold all such real estate, water power or powers, as may from time to time be necessary and proper for the purposes and uses of the Municipal Corporation of the Village of Fenelon Falls in connection with the matters aforesaid, and also to sell, lease or otherwise dispose of the same, as well as the property acquired under the agreement set forth as Schedule D to this Act, or any part or parts thereof from time to time in such manner and on such terms as they may deem fit: provided always that such real estate acquired for the purposes hereinbefore mentioned shall at all times be held exclusively for the purposes and uses of the said corporation as by this Act authorized, and not otherwise, and provided further, that in case of the sale by the said Board of Commissioners of any of the said property, so long as any of the debentures issued under the authority of the said By-law No. 428, as amended by this Act, remain outstanding and unpaid, the proceeds of any such sale shall be applied towards the payment of the said debentures, and should none of the said debentures be due and payable at the time of any such sale, then the said proceeds shall be set apart and invested at interest until required for such purpose.

(d) Power to contract and agree with any municipality, corporation and company or person, for the purchase or lease of water power and lands in connection therewith and for erecting and constructing buildings, plant, machinery and appliances for the purpose of such development.

(e) Power to purchase such land and erect such buildings, plant, machinery and appliances.

(f) Power to contract and agree with any municipality, corporation, company or person for the right to erect, construct, lay or affix any poles, conduits or wires, or other necessary appliances over, under, or along the lands, ways, roads, public or real property of such municipality, corporation, company or person.

(g) Power to carry or transport electric energy and to use, distribute, supply, sell or dispose of electric energy in the Village of Fenelon Falls, and within 20 miles thereof, to any corporation, company or person, or to any municipality.

(h) Power to build, erect, construct, lease or purchase, and operate buildings, plant, machinery or appliances for producing or transforming such electric energy for any purpose for which it is or may be used.

Board to  
insure  
property.

14. The said Board of Commissioners shall insure and keep insured the buildings, erections, plant and machinery under their control to their full insurable value.



15. The Reeve of the Village of Fenelon Falls shall ex-officio be one of the commissioners, and the other three shall be elected as provided by *The Municipal Water Works Act*, except that each of the said elected commissioners, save as provided in section 16 with respect to the first election, shall continue in office for three years, and until his successor has been elected, and after the first election one commissioner shall be elected annually, at the same time and in the same manner as the Reeve of the said village.

Reeve to be  
commissioner.  
Rev. Stat.  
c. 235.

16. The said municipal corporation shall forthwith, after the passing of this Act, pass a by-law and fix a time and provide for the first election of a Board of Commissioners, and the election shall proceed and take place in the same manner as the election of a reeve, except that each elector may vote for three commissioners, and all the provisions of *The Municipal Act* in reference to elections for reeves shall apply thereto, and the commissioner elected having the lowest number of votes shall retire at the next annual municipal election, and the one having the second lowest number of votes shall retire at the second annual election, and thereafter the commissioners shall retire in rotation. In the event of the first three commissioners being elected by acclamation the Board of Commissioners shall at their first meeting determine by lot the order in which they shall retire respectively, and in case of a vacancy from any cause or causes occurring at any time on the Board the municipal council of the village may by by-law appoint a commissioner to hold office until the next annual election, when a new commissioner shall be elected to fill the said vacancy, who shall hold office for the residue of the term of the commissioner whose seat during the previous year became vacant, and the election to fill such vacancy shall be a separate election from the election of the commissioner then to be elected for three years.

Election of  
commis-  
sioners.

Rev. Stat.  
c. 223.

17. Sections 14 to 18 inclusive, 22, 25 to 32 inclusive, 45 and 50 of the Act passed at the present session of this Legislature intituled *An Act to provide for the construction of Municipal Power Works and the Transmission, Distribution and Supply of Electrical and other Power and Energy* are incorporated with and shall be read as part of this Act and as applying to the said Village of Fenelon Falls and to the works constructed or to be constructed under the authority of this Act, and the words "commission" or "commissioners" where they occur in the said sections so incorporated shall, as respects the Village of Fenelon Falls, be deemed and be taken to mean the Board of Water, Light and Power Commissioners of the Village of Fenelon Falls; but, save as aforesaid the above mentioned Act shall not apply to or affect the Village of Fenelon Falls.

Application  
of general  
provisions as  
to municipal  
power works.

## SCHEDULE A.

BY LAW No. 427.

A By-law to authorize the purchase by the Village of Fenelon Falls of first preference stock to the amount of \$15,000 in Sandford Woodenware, Limited, and to provide for the issuing of debentures of the said village to the amount of \$15,000 and to raise the sum required therefor.

Whereas Francis Sandford, Donald J. McKinnon and John McEachern purpose to form a company under the name of "Sandford Woodenware, Limited," (or some other suitable name) and to erect a large factory for the manufacture of furniture and woodenware within the Village of Fenelon Falls, and have undertaken that the said company, when incorporated, shall enter into an agreement with the said village, conditional upon the passing and validation of this By-law, to erect such factory and to employ therein at least an average number of fifty men for a period of twenty years from the first day of October next (1903).

Whereas it is advisable that the Corporation of the Village of Fenelon Falls should purchase first preference Capital Stock of Sandford Woodenware, Limited, to the amount of \$15,000.

And whereas, in order so to do, it will be necessary to issue debentures of the said municipality for the sum of \$15,000 as hereinafter provided (which is the amount of the debt intended to be created by this by-law) the proceeds of the said debentures to be applied to the purpose aforesaid and no other.

And whereas it is desirable to issue the said debentures at one time and to make the principal of the said debt payable by yearly sums during the period of twenty years (the currency of the said debentures) said yearly sum being for such respective amounts that the aggregate amount payable in each year for principal and interest shall be as nearly as possible equal to the amount so payable in each of the nineteen years of the said period.

And whereas the total amount required by *The Municipal Act* to be raised annually by special rate for paying the said debt and interest as hereinbefore provided is \$1,153.14.

And whereas the amount of the whole rateable property of the Village of Fenelon Falls, according to the last revised Assessment Roll thereof, is \$296,238.00.

And whereas the said village has no existing debenture debt neither for principal or interest.

Therefore the Municipal Council of the Village of Fenelon Falls enacts as follows:—

1. When and so soon as the said above named parties shall have obtained incorporation under the name of "Sandford Woodenware, Limited" (or some other suitable name), and have shown to the Council of the corporation of the Village of Fenelon Falls that at least \$35,000 of the common stock of the said company has been actually and bona fide subscribed and fully paid up, and the said company has entered into an agreement with the said corporation to employ within the Village of Fenelon Falls an average number of fifty men during a period of twenty years, the Municipal Council of the said Village of Fenelon Falls shall expend the sum of \$15,000 in the purchase of first preference shares entitled to dividends at the rate of five per cent. per annum in the capital stock of the said company under whatever name the said parties may be incorporated, and for the purpose of raising the said sum, debentures of the said village to the amount of \$15,000 as aforesaid, in sums of not less than \$100 each, shall be issued on the first day of September,

A.D.

A.D. 1903, or on such later day, being within one year of the passing of the by-law, as the company shall comply with the conditions hereinbefore expressed; each of which debentures shall be dated on the date of the issue thereof and shall be payable within twenty years thereafter at the Bank of British North America in the said Village of Fenelon Falls.

2. Each of the said debentures shall be signed by the Reeve of the said Village of Fenelon Falls and by the treasurer thereof, and the Clerk thereof shall attach thereto the corporate seal of the municipality.

3. The said debentures shall bear interest at the rate of four and one-half per cent. per annum, payable yearly at the said bank on the first day of December in each and every year the currency thereof.

4. During the currency of the said debentures there shall be raised annually by special rate on the rateable property in the said Village of Fenelon Falls the sum of \$1,153.14 for the purpose of paying the amount due in each of the said years for the principal and interest in respect to the said debt, as follows:

Year.	Interest.	Principal.	Total amount.
1904.....	\$675 00	\$478 14	\$1,153 14
1905.....	653 48	499 66	1,153 14
1906.....	631 00	522 14	1,153 14
1907.....	607 50	545 64	1,153 14
1908.....	582 95	570 19	1,153 14
1909.....	557 29	595 85	1,153 14
1910.....	530 47	622 67	1,153 14
1911.....	502 45	650 69	1,153 14
1912.....	473 17	679 97	1,153 14
1913.....	442 57	710 57	1,153 14
1914.....	410 60	742 54	1,153 14
1915.....	377 18	775 96	1,153 14
1916.....	342 26	810 88	1,153 14
1917.....	305 78	847 36	1,153 14
1918.....	267 65	885 49	1,153 14
1919.....	227 80	925 34	1,153 14
1920.....	186 16	966 98	1,153 14
1921.....	142 64	1,010 50	1,153 14
1922.....	98 17	1,054 97	1,153 14
1923.....	49 65	1,103 49	1,153 14

5. This by-law shall take effect on the day of the passing thereof and on its validation by an Act of the Legislature of the Province of Ontario.

6. The assessment of the real and personal property of the said company, its successors and assigns within the village, used in connection with its business now or hereafter acquired (not however including any dwelling property) shall be and is hereby fixed for twenty years from the first day of January, A.D., 1903, at an annual assessment of \$5,000.

7. The votes of the electors of the said Village of Fenelon Falls shall be taken on this by-law on the following times and places:

That is to say, on

Monday, the ninth day of March next (1903), commencing at the hour of nine o'clock in the forenoon and continuing until five o'clock in the afternoon of the same day, by the following Deputy Returning Officers:

Number of polling places.	Place where situated.	Deputy Returning officer.
1.....	Twomey's Hall	C. W. Burgoyne
2.....	Jordan's Hall	W. T. Junkin.



8. On Friday, the 6th day of March, A.D. 1903, the Reeve of the said Village of Fenelon Falls shall attend at the Council Chamber at ten o'clock in the forenoon to appoint persons to attend at the various polling places aforesaid, and at the final summing up of the votes by the clerk on behalf of the persons interested in promoting or opposing the passing of this by-law respectively.

9. The Clerk of the Council of the said Village of Fenelon Falls shall attend at the Council chamber at ten o'clock in the forenoon on Wednesday, the 11th day of March, A. D. 1903, to sum up the number of votes for and against the by-law.

Read a first and second time at the Village of Fenelon Falls this ninth day of February, A. D. 1903.

Read a third time and passed this 15th day of April, A.D. 1903.

W. T. JUNKIN,  
Clerk.

JOS. MCFARLAND,  
Reeve.

### SCHEDULE B.

THIS INDENTURE made this Twentieth day of March, in the year of our Lord One Thousand Nine Hundred and Three, between Sandford Furniture and Woodenware Limited, hereinafter called the Company of the First Part, and The Corporation of the Village of Fenelon Falls, hereinafter called the Village, of the Second Part :—

Whereas the Company have lately been incorporated for the following purposes, that is to say :—

To manufacture, buy, sell and otherwise deal in furniture, wire-screen-doors and windows, and all articles which may be manufactured from wood in any form, and for the said purposes : (a) To acquire the business and the assets of the business now being carried on at the said Village of Fenelon Falls by the said Francis Sandford under the name of "F. Sandford," and to pay for the same by the allotment of fully paid-up stock ; (b) To acquire and take over the rights and privileges now owned or otherwise held by the said Francis Sandford in the Water-power of the Fenelon River, and in any and all agreements and leases in connection therewith, and (c) To carry on the business of a timber and lumber merchant.

And whereas the Company intend to largely increase the business heretofore carried on by the said Francis Sandford and have applied to the Village to assist them by purchasing the said fifteen thousand dollars of preference stock and fixing their assessment at the sum of five thousand dollars, which the said Village have agreed to do upon the terms hereinafter mentioned.

And whereas the capital of the said Company is one hundred thousand dollars divided into one thousand shares of one hundred dollars each, of which one hundred and fifty shares amounting to fifteen thousand dollars are preference shares.

And whereas the Village have submitted to the ratepayers for approval a By-Law No. 427, entitled, "a by-law to authorize the purchase by the Village of Fenelon Falls of first preference stock to the amount of \$15,000, in Sandford Woodenware, Limited, and to provide for the issuing of debentures of the said Village to the amount of \$15,000, and to raise the sum required therefor," on the understanding that this agreement should be entered into and which said by-law has been carried by a vote of over two-thirds of the ratepayers entitled to vote thereon, there being one hundred and fifty-nine votes in favor and only seven votes against the same.

And whereas the parties mentioned in the said by-law have formed a company under the name of Sandford Furniture and Woodenware Limited, instead of the name mentioned in the said by-law.

Now this indenture witnesseth that the said parties mutually covenant, promise and agree to and with each other as follows :

1. The Village agree that upon the Company proving to the satisfaction of the Council of the said Village that the conditions hereinafter mentioned have been complied with they will subscribe for and purchase from the Company the whole of their preference stock amounting to fifteen thousand dollars, the same to be paid for by delivery to the Company of the fifteen thousand dollars of debentures, provided for by the said by-law No. 427, the said stock to commence earning dividends at the rate of five per cent. per annum from the delivery of the said debentures, and the Company to pay to the Village the accrued interest on the debentures up to the date of delivery, it being agreed and understood that the proceeds of the said debentures when disposed of by the Company shall be used solely in the operations of the Company.

2. The said purchase to be subject to the following conditions :—

(a) That the Company have acquired and taken over as a going concern the business of the Manufacture of Woodenware, now carried on by the said Francis Sandford, and have also acquired and taken over the rights and privileges now owned or otherwise held by the said Francis Sandford, in the water-power of the Fenelon River, and any and all agreements in connection therewith, the whole to be free from incumbrance, and paid for by the allotment of the ordinary stock of the Company.

(b) That twenty thousand dollars of the ordinary stock of the Company has been subscribed and paid for to the company in cash at par value, the same to be used solely in the erection of new buildings, purchase of plant machinery, installing water-wheels, shafting, fire protection and general extension of the business, and not for paying for the business property to be taken over from the said Sandford.

(c) That the company have erected in the Village of Fenelon Falls on the south side of the Fenelon River a new factory or factories sufficient for the purposes of the company and have placed the plant and machinery therein and have the same in operation.

3. That the assessment of the real and personal property of the company, within the village used in connection with its business now or hereafter acquired shall be, and the same is hereby fixed for a period of twenty years from the first day of January, one thousand nine hundred and four, at an annual assessment of five thousand dollars and the company shall pay taxes upon an assessment of that amount. It is expressly agreed and understood however that such assessment shall not include any dwelling property or any other property not used or required for the purpose of carrying on the company's said manufacturing business and that all such property if owned or occupied by the Company shall be assessed in the usual way in addition to the said assessment of five thousand dollars.

4. The Company agree with the Village that from the first day of October, nineteen hundred and three, during a period of twenty years, they will employ in their factory and business in the Village of Fenelon Falls, an average number of at least fifty employees or that they will pay to the number of employees who are employed by them in the factory and business as aforesaid (exclusive of directors of the company or the manager thereof) wages averaging not less than \$15,000 per year during said twenty years, and that they shall not remove their business from the said Village.

5. The Village shall make an application to the Legislative Assembly for a special act ratifying and confirming this agreement and the said by-law and giving the Village power to carry out the same.

6. In event of the special Act being obtained as aforesaid the Company shall pay to the Village all costs, charges and expenses incurred by them in connection with the said by-law and one-half the Parliamentary fee of \$100 for the special Act.

7. That in the event of the Legislature failing to pass the said special Act this agreement shall be null and void, and each party shall pay their own costs and expenses in connection therewith.

8. The Village and the Company agree each with the other that they will join in asking to have inserted in the said special Act two clauses amending their charter as follows :—

(a) That so long as the Corporation of the Village of Fenelon Falls holds the said \$15,000 preference stock or a majority thereof the municipal council of the said corporation shall have power from time to time by by-law to elect one director of the said "Sanford Furniture and Woodenware Limited" who shall hold office during the pleasure of the council and such directors shall not be required to hold any stock or have any qualification.

(b) The said "Sanford Furniture and Woodenware Limited" may from time to time redeem or buy in for cancellation the whole or any part of their preferred stock in sums of not less than one thousand dollars, upon repayment of the par value thereof together with all unpaid dividends thereon and interest as provided in their charter up to the date of redemption the respective shares to be paid off to be decided by lot in case the parties cannot agree upon the same.

IN WITNESS WHEREOF the president of the said company has hereunto set his hand and affixed the corporate seal of the company, and the Reeve of the said Village has hereunto set his hand and affixed the corporate seal of the said village.

Signed, sealed and delivered  
in the presence of  
(Sgd.) F. A. McDIARMID.

(Sgd.) JOS. MCFARLANE, [Seal.]  
Reeve.  
(Sgd.) W. T. JUNKIN,  
Clerk.  
(Sgd.) D. J. MCKINNON, [Seal.]  
President,  
for Sanford Furniture & Wood-  
enware Limited.

## SCHEDULE C.

By LAW No. 428.

A By-law respecting Water, Light and Power in the Village of Fenelon Falls.

Whereas by agreement bearing date the 24th day of March, 1903, the Village of Fenelon Falls agreed with Messrs. McDougall, Brandon and Austin and with the Fenelon Falls Electric Light Company, Limited, for the purchase of their share of the Water Power and privileges in the Fenelon River, their mill, machinery, plant, apparatus and franchises and all property real and personal held or used in connection therewith, for the sum of \$35,000.00.

And whereas it may be possible to purchase other parts or shares of the water power of the Fenelon River ;

And whereas it is necessary and advisable to further extend, alter and improve the development of the said properties ;

And whereas it is desirable to establish a system of waterworks for fire protection and other purposes ;

And whereas for these purposes it has been estimated that a further sum not to exceed \$40,000.00 will be required ;

And



And whereas it has been resolved that debentures shall be issued for such purposes, bearing interest at the rate of four per cent. per annum payable half yearly, and that the interest only shall be payable for ten years and thereafter the said debentures shall be payable in thirty years in instalments with interest at the rate aforesaid, so that such instalments shall be such that the aggregate amount payable for principle and interest during any year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of such period of thirty years,—

And whereas it will be necessary to raise the sum of \$3 000 00 annually by special rate sufficient therefor during the first ten years for the payment of the interest on the said debt, and to raise the sum of \$4,338.66 annually by special rate sufficient therefor afterwards, during the term of thirty years, for the payment of the said debt, and interest in instalments according to the terms of this By-law ;

And whereas the amount of the whole rateable property of the Village of Fenelon Falls, according to the last revised assessment roll, is \$296,238.00 ;

And whereas there is no existing debenture debt neither for principal or interest ;

Therefore the Municipal Corporation of the Village of Fenelon Falls enacts as follows :—

1. That for the purposes aforesaid or any of them, it shall be lawful for the Reeve of the said Corporation and he is hereby authorized and required to cause debentures of the said Village of Fenelon Falls to be made, executed and issued for such amount as may be required for the purposes aforesaid or any of them, not however exceeding in the whole the sum of \$75,000.00 in sums of not less than \$100.00 payable in annual instalments on the first day of July in each year for thirty years, for the following amounts for the following years, that is to say :—

1914.....	\$1,350	1929.....	\$2,400
1915.....	1,400	1930.....	2,500
1916.....	1,450	1931.....	2,600
1917.....	1,500	1932.....	2,700
1918.....	1,550	1933.....	2,800
1919.....	1,600	1934.....	2,950
1920.....	1,700	1935.....	3,050
1921.....	1,750	1936.....	3,200
1922.....	1,850	1937.....	3,350
1923.....	1,900	1938.....	3,450
1924.....	1,950	1939.....	3,550
1925.....	2 050	1940.....	3,700
1926.....	2,150	1941.....	3,850
1927.....	2,200	1942.....	4,000
1928.....	2,300	1943.....	4,200

2. That the said debentures shall bear interest at the rate of four per cent. per annum, payable half-yearly on the first days of January and July in each year, and shall have coupons attached for the payment of interest and the debentures and interest may be expressed in sterling money of Great Britain, or in currency of Canada, and shall be made payable at the Bank of British North America in the Village of Fenelon Falls.

3. That there shall be raised and levied in each year for the first ten years the sum of \$3,000 00 for the payment of the interest upon the said debentures, by a special rate sufficient therefor on all the rateable property in the municipality in the Village of Fenelon Falls, and shall be raised and levied in each year for the year 1914 and twenty-nine subsequent years for the payment of the said debt and interest and the debentures issued therefor the sum of \$4,338.66 by a special rate sufficient therefor on all the rateable property in the municipality of the

Village

Village of Fenelon Falls, the same being sufficient to discharge the several yearly sums of principal and interest accruing due as the said yearly sums become respectively due and payable according to the terms of this By-law.

Provided that the Corporation may deduct from the said sum in any year any surplus, revenue from the said properties, which they may have on hand, and may deduct the sums necessary to be raised to pay on any of the said debentures which may not at that time have been issued, and raise the balance only of the said sum in that year by special rate, in which case said surplus revenue shall be applied in payment of said debentures and interest thereon.

4. That the said debentures shall be known and marked as "Water, Light and Power Debentures" and shall be the first lien and charge upon the said properties and all other properties held or used in connection therewith, and all extensions and improvements thereof.

5. This by-law shall come into force and take effect upon the same being approved by the ratepayers of the Village of Fenelon Falls qualified to vote thereon, and upon the same being ratified and confirmed by the Legislature of the Province of Ontario.

6. The votes of the electors of the said Village of Fenelon Falls shall be taken on this by-law at the following time and places, that is to say on Monday, the 20th day of April, A.D. 1903, commencing at the hour of nine o'clock in the forenoon, and continuing until five o'clock in the afternoon of the same day, by the following deputy returning officers:

Polling Sub-division No. 1.—Twomey's Hall, deputy returning officer, C. W. Burgoyne.

Polling Sub-division No 2.—Jordan's Hall, deputy returning officer, W. T. Junkin.

7. On Friday, the 17th day of April, A.D. 1903, the Reeve of the Village shall attend at the council chamber in Twomey's Hall in the said village at ten o'clock in the forenoon, to appoint persons to attend at the various polling places aforesaid and at the final summing up of the votes by the clerk on behalf of the persons interested in and promoting or opposing the passing of this by-law respectively.

8. The clerk of the Village shall attend at the council chamber in Twomey's Hall in the said village at ten o'clock in the forenoon of Tuesday, the 21st day of April, A.D. 1903, to sum up the votes given for or against this by-law.

Read a first and second time this 24th day of March, A.D. 1903.

Read a third time and passed this 24th day of April, A.D. 1903.

(Sgd.) Jos. McFARLAND, Reeve.

(Sgd.) W. T. JUNKIN, Clerk.

(Seal.)

## SCHEDULE D.

Memorandum of agreement made this 24th day of March in the year of our Lord One Thousand Nine Hundred and Three.

Between Findlay McDougall, John H. Brandon and Henry Austin of the Village of Fenelon Falls, in the County of Victoria, Millers carrying on business under the name, style and firm of McDougall, Brandon & Austin, and The Fenelon Falls Electric Light Company, Limited, herein-after called the Vendors of the first part and

The Corporation of the Village of Fenelon Falls hereinafter called the Village of the second part.

Whereas

Whereas the said Village are desirous of purchasing the said McDougall, Brandon & Austin's mills, property, water power and appurtenances in the said Village of Fenelon Falls.

And whereas the Village are desirous of purchasing from the vendors, the Fenelon Falls Electric Light Company, Limited, their electric light plant, franchise and rights and all their property used in connection therewith.

And whereas the Vendors and the Village have agreed upon the sum of thirty-five thousand dollars as the amount to be paid by the village to the said vendors for their said properties on the terms and conditions hereinafter mentioned.

Now this debenture witnesseth that the said parties hereby mutually covenant, promise and agree to and with each other as follows :—

1. The vendors hereby agree to sell to the Village and the Village hereby agree to purchase from the Vendors at or for the price or sum of thirty-five thousand dollars, the following property, that is to say ;—

(a) The said McDougall, Brandon & Austin's mill property in the Village of Fenelon Falls, being composed of that portion of block letter "N" in the subdivision of the west half of lot number twenty-three in the tenth concession of the Township of Fenelon ( Register plan number seventeen ) lying to the east of Colborne street, south of the lands east of Colborne street, surrendered to Her late Majesty Queen Victoria for canal purposes, and extending southerly and easterly to the waters edge of the Fenelon river, and their one-fourth part or share of the water power of the Fenelon River together with the stone flour mill and all buildings, machinery, race-ways, water courses, water, flumes, sluices, ponds, dams, wharves, rights-of-way, easements, appurtenances and privileges belonging to or in any way appertaining, or used in connection with the said mill property or water power, all of which is more particularly mentioned and described in a certain deed thereof from the executors of the late R. C. Smith to the said McDougall, Brandon & Austin, dated the fourteenth day of June One Thousand Eight Hundred and Ninety-Three and registered as number one hundred and sixty-six of the Village of Fenelon Falls, the intention and agreement being that the Village take and acquire all the property and rights so acquired by the said McDougall, Brandon & Austin and upon the same terms and conditions and subject also to the right granted to one Francis Sandford to maintain a shatting to his factory.

(b) All the works and property owned by the Fenelon Falls Electric Light Company, Limited, in the Village of Fenelon Falls, for the purpose of supplying electric light and energy, together with all the said Company's good will, franchise, rights, contracts, for light, plant, machinery, dynamos, poles, wires, lamps, and Electric apparatus and appliances of every nature and kind whatsoever owned or used by the Company in connection with their works except electric supplies.

2. The Vendors are to retain possession of the said property and have the use and benefit thereof up to the thirty-first day of August next, Nineteen Hundred and Three, when the purchase is to be completed and the purchase money paid with the right to the purchasers to have the time extended for one month.

3. The said Vendors covenant with the purchasers that they will from and after this date and until the said purchase shall be wholly completed, keep and maintain all the said properties in complete and thorough repair, and will not suffer the same to become deteriorated in any way, reasonable wear and tear only excepted.

4. The Vendors, McDougall, Brandon & Austin, agree that upon the completion of the said purchase they will, if the Village so desires, take a lease of the Stone Flour Mill upon the said premises with free ingress, egress and regress to and from the same, together with all necessary water or electric power and electric light to operate the same at its present



ent capacity, for a term of ten years from the completion of this purchase, at a yearly rental of twelve hundred dollars a year, payable half yearly on the first day of January and the first day of July in each year, together with taxes on an assessment of six thousand dollars, such lease to contain the usual covenants and agreement contained in Mill Leases.

5. It is agreed that a clause may be inserted in the said lease providing that the said Village shall have full right, power and privilege to enter in or upon the said mill property and to alter, extend and improve the race-way or flume, and do all necessary works in connection with the development of the property, and shall not be liable for any damage occasioned to the Vendors in connection therewith, but for any time the mill is stopped or shut down on account of such alterations or improvements no rent is to be charged.

6. It is agreed that the purchasers shall accept the title of the Vendors, McDougall, Brandon and Austin, to their mill, property, water power and appurtenances that they received from the executors of the R. C. Smith estate and that the Vendors shall not be bound to furnish any title deeds, abstracts or other evidence of title than those in their possession and that the Village shall examine the title at their own expense.

7. The Village agree that they will forthwith submit a by-law to the rate payers approving of this agreement and providing for the issue of debentures to carry out the same and that they will also apply to the Legislative Assembly of the Province of Ontario at its present session, for a special Act ratifying and confirming this agreement and the said by-law and it is agreed that in the event of the Village failing to obtain the said Act this agreement shall be null and void.

In witness whereof the said Findlay McDougall, John H. Brandon and Henry Austin have hereunto set their hands and seals, the president of the said Fenelon Falls Electric Light Company, Limited, has hereunto set his hand and affixed the Corporate Seal of the Company, and the Reeve of the said village has hereunto set his hand and affixed the Corporate Seal of the said Village.

Signed Sealed and Delivered  
in the presence of  
(Sgd.) M. W. BRANDON.

(Sgd.) FINDLAY McDOUGALL, [L.S.]  
(Sgd.) JOHN H. BRANDON, [L.S.]  
(Sgd.) HENRY AUSTIN, [L.S.]  
For the Fenelon Falls Electric Light  
Co., Limited.  
(Sgd.) JOHN H. BRANDON, (Seal)  
President.

(Sgd.) JOS. McFARLAND, (Seal)  
Reeve.

(Sgd.) W. T. JUNKIN,  
Clerk.

For the Corporation of the Village of  
Fenelon Falls.

## CHAPTER 52.

## An Act respecting the Town of Fort William, 1903.

*Assented to 12th June, 1903.*

WHEREAS the Corporation of the Town of Fort William Preamble.  
 has by petition represented that W. J. Copp and  
 Harold E. Copp have entered into an agreement with said  
 corporation to erect a stove range and foundry works capable  
 of turning out 25 complete stoves or ranges per working day of  
 ten hours in consideration of the grant to them by the town  
 of \$15,000 and of the real and personal property to be used  
 in connection with said works being exempted from all taxes,  
 except school rates and local improvement taxes, of said town for  
 a period of ten years from the 1st day of January, 1903; and  
 whereas said stove range and foundry work have been  
 erected; and whereas the debentures under the by-law here-  
 inafter mentioned have been sold and \$5000 thereof paid  
 over under said agreement; and whereas the rate neces-  
 sary to be levied for such purposes together with all other  
 rates required to be levied for similar purposes exceed  
 ten per centum of the total tax levy of said town; and  
 whereas a by-law in that behalf was duly published and sub-  
 mitted to the ratepayers of said town entitled to vote there-  
 on; and whereas out of 658 persons entitled to vote thereon,  
 (of whom 147 persons are non-resident) 402 persons voted in  
 favor of said by-law and 23 persons against the same; and  
 whereas no application has been made to quash the said by-law  
 and no objection has been made thereto on the part of any rate-  
 payer; and whereas the said corporation has by petition further  
 represented that owing to the rapid growth of the said town the  
 electric lighting plant of said town has become so overloaded  
 that there is not sufficient power to operate the street lighting  
 plant of the said system or to supply the increased demand for  
 lights by users of the same and that in consequence thereof  
 the streets of said town have remained in darkness the greater  
 part of the past winter; and whereas it is desirable  
 that the power of said plant be increased immediately;  
 and whereas a by-law was duly published and submitted to  
 the ratepayers entitled to vote thereon, to raise the sum of  
 \$40,000 necessary for the said purpose, but no estimates of the  
 proposed expenditure were published under sub-section 5 of  
 section 569 of *The Municipal Act* owing to the delay which  
 would have been occasioned by the preparation of such esti-  
 mates; and whereas doubts have arisen as to whether such  
 estimates should not have been published; and whereas of 697

Rev. Stat.  
c. 223.

42 s. persons

persons entitled to vote on such by-law (of whom 151 persons were non-resident) 296 persons voted in favor of such by-law and 95 persons voted against same; and whereas the said by-law has received its third reading and been duly passed by the council of said town; and whereas no application has been made to quash the said by-law and no objection has been made thereto on the part of any ratepayer; and whereas the said corporation has further by petition represented that it entered into a certain agreement with the late William W. Ogilvie for the erection of a flour mill of a capacity per day sufficient to grind at least 1,500 barrels of flour and an elevator sufficient to store 500,000 bushels of grain in consideration of the grant by the town to the said William W. Ogilvie of a free site therefor and of certain exemptions from taxation; and whereas the said site was purchased at an expense of \$25,000 by the said town and conveyed to the executors of the said William W. Ogilvie; and whereas the said executors have been unable to fulfil such agreement; and whereas The Ogilvie Flour Mills Company, Limited, has offered to carry out the said agreement and erect the said elevator and flour mill on certain terms and conditions; and whereas a by-law containing the said last mentioned agreement was duly published and submitted to the ratepayers entitled to vote thereon for their approval; and whereas of 697 persons entitled to vote thereon (of whom 151 persons were non-resident) 378 persons voted in favor thereof and 20 persons against same; and whereas no objection has been made thereto on the part of any ratepayer; and whereas the said corporation has further by petition represented that it is necessary to improve Victoria Avenue and McVicar Street sewers and the outlets thereof in order to keep sewage from backing into the cellars of said town, and in the interest of the public health of the people thereof; and whereas a by-law to provide \$5000 necessary therefor was published and submitted to the ratepayers entitled to vote thereon; and whereas of 697 persons entitled to vote thereon (of whom 151 persons were non-resident) 232 persons voted in favor thereof and 154 persons voted against same; and whereas the said by-law has received its third reading by the council of the said town, and no objection has been made thereto on the part of any ratepayer, and no application has been made to quash the same; and whereas owing to insufficient publication of the said last mentioned by-law the same is of doubtful validity; and whereas the said corporation has by petition further represented that Section 17 of "An Act incorporating the Town of Fort William" (55 Victoria, Chapter 70) is unfair and unworkable, and not desired by the residents or ratepayers of said town, and involves practically the making of a separate assessment of each ward of said town, and is repugnant to and inconsistent with the general idea and working of a municipal corporation; and whereas no objection has been made hereto on the part of any ratepayers; and whereas the said corporation by  
petition



petition further represents that it is desirable that the Municipal Telephone System of said town should be managed by the Board of Water and Light Commissioners of the said town instead of the council thereof; and whereas the said corporation has prayed for special legislation in respect of all the above matters; and whereas the said corporation has by petition also represented that the said Corporation of the Town of Fort William and the Corporation of the Town of Port Arthur have established a municipal telephone system in their respective towns upon the mutual understanding that free exchange is to be given to each of them by the other of them with their respective subscribers, and that the said systems should be conducted jointly and that it is essential and necessary to the proper maintenance of each of the said systems that neither of the said corporations should lease or otherwise deal with its system without the consent of the other, and that the said systems continue to be conducted jointly; and whereas the said Corporation of the Town of Fort William and the said Corporation of the Town of Port Arthur have prayed for special legislation in respect of the said matters; and whereas it is expedient to grant the prayer of said petitions;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:

1. The said corporation is declared to have had power to pass By-law No 303 of the said town, set forth in Schedule A hereto, and to enter into the agreement set out in such by-law, and the said by-law is declared to be and to have always been since the passing of same a good, legal, valid and existing by-law of the said town, and the debentures issued thereunder shall be binding on the said corporation and the ratepayers thereof, and the said agreement and all and every security given and taken in pursuance thereof shall be valid and binding upon the parties thereto, their and each of their heirs, executors, administrators and assigns.

By-law to aid  
Copp's stove  
works  
legalized.

2. The said corporation is declared to have had power to pass By-law No. 313 of the said town set out in Schedule B hereto) and the said by-law is declared to be a valid, legal and existing by-law of the said town, and all debentures issued or to be issued thereunder shall be binding upon the said corporation and the ratepayers thereof.

By-law  
improving  
and extending  
electric  
lighting  
system  
confirmed.

3. The said corporation is declared to have had full power to enter into the agreement set out in Schedule C hereto with The Ogilvie Flour Mills Company, Limited, and the said agreement is declared to be a valid, legal and existing agreement and to be binding upon the parties thereto, their respective successors and assigns, and the said corporation is given full power to do all things necessary to carry out the terms of said agreement.

Agreement  
with Ogilvie  
Flour Mills  
Co. legalized.

By-law for  
improving  
certain  
sewers  
legalized.

4. By-law No. 314 of the said corporation, set out in Schedule D hereto, is declared to be a valid, legal and existing by-law of the said town and the debentures to be issued thereunder shall, when so issued, be binding upon the said corporation and the ratepayers thereof.

55 V., c. 70,  
s. 17, repealed.

5. Section 17 of *An Act to Incorporate the Town of Fort William* (passed in the 55th year of the reign of Her late Majesty Queen Victoria, and chaptered 70) is repealed, and no action or proceeding shall be had against the said corporation or the officers thereof for non-observance or improper observance thereof, nor shall the improper observance or non-observance of the provisions thereof invalidate any action or proceeding had or taken by the said corporation.

Powers of  
council as to  
telephone  
system.

6. All the powers, rights, authorities or immunities which, under the provisions of *The Municipal Act*, might have been exercised or enjoyed by the council and the officers of said corporation acting for the said town in connection with the municipal telephone system of said town, shall be vested in and may be exercised by the Board of Water and Light Commissioners of the said town, and the council hereafter during the continuance of such Board of Commissioners shall have no authority in respect of such system.

Application  
of Rev. Stat.  
c. 235, s. 45.

7. The provisions of section 45 of *The Municipal Waterworks Act* shall be read into and form part of this Act with the substitution of the word "telephone" for "water," and of the words "telephone system" for "waterworks" wherever the same occur in said section.

55 V. c. 70, s. 8,  
amended.

8. Section 8 of the Act passed in the 55th year of the reign of Her late Majesty Queen Victoria, chaptered 70, and intituled an Act to incorporate the Town of Fort William, is hereby amended by striking out the words "who shall be residents of the ward," in the fourth line thereof.

Telephone  
system not to  
be disposed of  
by either  
municipality  
without the  
other's con-  
sent.

9. Neither the Corporation of the Town of Fort William nor the Corporation of the Town of Port Arthur shall be at liberty or have power to sell or lease its municipal telephone system or to impair or otherwise part with the operation of its said system without first obtaining the assent of the electors of the said towns entitled to vote on by-laws which before their final passing require the assent of the electors under *The Municipal Act* in the manner provided in the said Act for obtaining such assent to such by-laws.

Telephone  
rates to sub-  
scribers.

10. The rates to be charged by each of the said corporations to their respective subscribers shall be the same in each of the said towns and shall not be altered from the present rates in force without the consent of the councils (or other body

body representing the said municipalities respectively) of both of the said towns and thereafter may only be altered in the same manner.

11. Each of the said corporations shall be entitled to free exchange for itself and its subscribers over and on the entire system of the other and every part thereof, and for that purpose each of the said corporations shall be bound to maintain and instal a proper and competent service to meet the demands from time to time, and shall be bound to construct, affix, carry and maintain as many lines of wires in connection with its system to the boundary line between the said towns as shall be necessary to give efficient service and exchange between and over the systems of both of said towns to their respective subscribers

Free exchange over systems of both towns.

12. This Act shall not affect any pending litigation.

Pending litigation.

13. This Act may be cited as "*An Act Respecting the Town of Fort William, 1903.*"

Short title.

## SCHEDULE A.

### BY-LAW No. 303.

#### TOWN OF FORT WILLIAM.

"A By-law to aid W. J. Copp and Harold E. Copp in the erection and equipment of a Stove Range and Foundry Works, in the Town of Fort William, and to provide for the raising of \$15,000 by way of debentures necessary therefor."

Whereas W. J. Copp and Harold E. Copp have represented to the Corporation of the Town of Fort William that they are desirous of establishing a Stove Range and Foundry Works in Fort William on the terms and conditions hereinafter set out.

And whereas the said corporation deem it in the interests of the town to enter into such an agreement and grant such aid in order to secure the establishment of such an industry at the Town of Fort William.

And whereas the sum of \$15,000 is the amount of the bonus to be granted to the said W. J. Copp and Harold E. Copp, and the amount of the debt intended to be created by this by-law.

And whereas the amount of the whole rateable property of the Town of Fort William, according to the last revised assessment roll of the said town amounts to \$1,333,451.

And whereas the general debenture debt of the said town, exclusive of local improvements, amounts to \$292,439.86, of which no part of the principal or interest thereon is in arrear.

And whereas in order to provide for said debt it is expedient to issue debentures of the said corporation to the amount of \$15,000, bearing interest at four and one-half per centum per annum, and that such principal shall be repayable in yearly sums extending over a period of twenty years from the date of issue of such debentures of such amounts that the aggregate amount payable for principal and interest in any year

in



in respect of the principal shall be equal, as nearly as may be, to what is payable for principal and interest during each of the other years of such period.

And whereas it will require the sum of \$1,153.14 to be raised annually, as aforesaid, by a special rate on the whole rateable property in the Town of Fort William for the paying of the said debt and interest.

Now, therefore, the Corporation of the Town of Fort William enacts as follows :

1. It shall and may be lawful for the Mayor of the Corporation of the Town of Fort William to borrow the said sum of Fifteen Thousand Dollars on the credit of the said Corporation, for the purpose aforesaid, and to issue twenty debentures of the said Corporation, each for the sum of \$1,153.14 payable at the office of the Treasurer of the Town of Fort William, as follows :

No.	When Payable.	Interest.	Principal.	Total.
1	Sept 1, 1903.....	\$675.00	\$478.14	\$1,153.14
2	" 1904.....	653.48	499.66	1,153.14
3	" 1905.....	631.00	522.14	1,153.14
4	" 1906.....	607.50	545.64	1,153.14
5	" 1907.....	582.95	570.19	1,153.14
6	" 1908.....	557.29	595.85	1,153.14
7	" 1909.....	530.47	622.67	1,153.14
8	" 1910.....	504.45	650.69	1,153.14
9	" 1911.....	473.17	679.97	1,153.14
10	" 1912.....	442.57	710.57	1,153.14
11	" 1913.....	410.60	742.54	1,153.14
12	" 1914.....	377.19	775.95	1,153.14
13	" 1915.....	342.27	810.87	1,153.14
14	" 1916.....	305.78	847.36	1,153.14
15	" 1917.....	267.65	885.49	1,153.14
16	" 1918.....	227.80	925.34	1,153.14
17	" 1919.....	186.16	966.98	1,153.14
18	" 1920.....	142.65	1,010.49	1,153.14
19	" 1921.....	97.17	1,055.97	1,153.14
20	" 1922.....	49.65	1,103.49	1,153.14

2. The Mayor and Clerk are hereby authorized to attach the corporate seal of the Corporation of the Town of Fort William to the following agreement, and to enter into, make, sign, execute and deliver same, and such agreement is hereby incorporated with, and shall form part of this by-law.

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Memorandum of Agreement made, in duplicate, this——day of———  
 1902. Between the Corporation of the Town of Fort William, (herein called the "Corporation") of the First Part, and W. J. Copp and Harold E. Copp, Manufacturers, of the City of Hamilton, and the Province of Ontario (herein called the "Copp's") of the Second Part.

Whereas the Cops are desirous of establishing and equipping a stove range and foundry works at the Town of Fort William, upon the terms and conditions hereinafter set forth.

Now, therefore, this agreement witnesseth, that for the consideration hereinafter set forth, the said parties have, and hereby do, mutually covenant, promise and agree each to and with the other of them, as follows :

1. The Cops will cause to be erected and equipped in the Town of Fort William, a stove range and foundry works, to be of a substantial and permanent character, and completely and properly equipped with all  
 necessary

necessary machinery and plant of latest approved designs for the working thereof as a going concern, and without limiting the general words hereinbefore used, to consist of a mounting and machine shops, 48 ft. x 100 ft. long, 2 storeys high ; a moulding shop, 70 ft. x 125 ft. long, 1 storey high, with an addition of a cupola room, charging room and oven ; and other buildings for offices and storage. The walls of said buildings to be built of solid materials.

2. The said stove range and foundry works shall be erected, equipped and put in operation on or before the first day of June, 1903.

3. The said Stove Range and Foundry works shall be capable of melting 6 tons of iron per each working day of ten hours per melt, and shall also be capable of turning out 25 stoves or ranges complete per each working day of ten hours.

4. That the Copps will operate said works for at least one hundred and sixty-five working days of ten hours each during the year 1903, and for and at least two hundred and twenty-five working days of ten hours each in each and every year thereafter, during the succeeding nine years, accidents, strikes and other circumstances beyond their control excepted.

5. That the Copps will engage, employ and keep at work in connection with operating such works as aforesaid during the year 1903 a sufficient number of men for a sufficient number of hours, to equal twenty-five men for one hundred and sixty-five days, of ten hours each, and in the year 1904 to equal thirty men for two hundred and twenty-five days of ten hours each, and in each year thereafter up to and including the year 1912 to equal an increase of five men for two hundred and twenty-five days of ten hours each over the year immediately preceding the then current year provided that the Copps shall not be bound to employ and keep at work during said period in any calendar year, more men for a greater number of hours than shall equal fifty men for two hundred and twenty-five days of ten hours each.

6. That the Copps will pay at least monthly in cash in the Town of Fort William, all men employed by them in connection with said works.

7. That the Copps will operate the said works, or any other works substituted therefor, as hereinbefore provided, until the 31st of December, 1912.

8. As soon as the Copps have acquired lands necessary for such undertaking (which shall be within the Town of Fort William), in their own name in fee simple, free from all encumbrances, and have executed and delivered to the corporation a mortgage by way of first charge on said lands and the works erected or to be erected thereon, for the sum of \$15,000 bearing interest at four and one half per centum per annum, payable on the 31st day of December, 1912 (such mortgage providing that same shall become due and payable when and so soon as the Copps have made default hereunder for three years and that for each and every calendar year of said period that they comply with this agreement, and are not three years in default as aforesaid \$1,500 of said principal money and interest on the unpaid principal for the then current year shall be deemed to have been paid and satisfied and the Copps shall be entitled to a discharge of such amount), and upon the Copps assigning sufficient insurance thereon with loss, if any, payable to Corporation, mortgagees, as their interest may appear to protect the corporation from time to time for the amount of advances made under such mortgage, and upon the Copps from time to time and at all times satisfying the corporation that there are and can be no liens or other claims which might or could take precedence of their advances from time under such mortgage, then the corporation will advance to the Copps the sum of fifteen thousand dollars to aid in the erection and establishment of such industry as aforesaid, as follows :

\$5,000 when the walls of said mounting and machine shop, and said moulding shop are put up in accordance herewith.

\$5,000

\$5,000 upon completion of said last mentioned buildings in accordance herewith,

And balance of \$5,000 as soon as said works are fully completed and have been in actual operation in accordance herewith for thirty days.

9. The corporation agree to exempt, saving school rates and local improvement taxes, the real (not to exceed five acres) and personal property of the Copps used in connection with said works as part of the going concern for a period of ten years from the 1st day of January, 1903, provided that no dwelling house erected on said lands shall be exempted from taxation as aforesaid.

10. The corporation are until the 31st December, 1912, to supply the Copps with such electric light and water as they may require in the erection, construction and operation of said works, as well as for fire protection at the same price as such water and electric light are at present supplied for like purposes to ordinary consumers.

11. The pay roll and all books of the said Copps shall be open for inspection by the corporation, and if so required, the Copps shall from time to time and at all times during said term, satisfy by declaration the corporation that they have complied with the provisions hereof.

12. In the event of the Copps making default under clauses 5 and 6 hereof, at any time during term of this agreement, then when and so often as such default shall happen all the property hereinbefore exempted from taxation shall be liable to taxation in each and every calendar year in which such default occurs, to same extent as if no exemption by-law or this agreement in that behalf had not been passed or made.

13. And if the Copps fail to employ and keep employed a sufficient number of men for a sufficient number of hours in any consecutive period of twenty-four months, to equal twenty-five men for two hundred days of ten hours each, then on such default this agreement shall be null and void in so far as exemption from taxation is concerned, and all property hereinbefore exempted from taxation shall be liable to taxation the same as if this agreement and no exempting by law in that behalf had been made or passed.

14. In the event of the Copps making default under clause 2 of this agreement, the corporation shall be entitled immediately upon such default occurring to be reimbursed, by the Copps, the amount paid out by it in connection with preparing, publishing and submitting this agreement, and the by-laws in connection herewith, and issuing the debentures thereunder, and all other expenses and incidental thereto.

15. As soon as the Corporation develop electrical energy and power and have same for sale the Copps shall be supplied with such electrical energy or power sufficient for their purposes in connection with said works or any additions thereto, at same price per horse power as The Canadian Pacific Railway Company are supplied at.

16. This agreement shall extend to and be binding upon the heirs, and executors, administrators and assigns of the Copps.

17. Time shall be strictly of the essence of this agreement.

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3. During the said period of twenty years there shall be raised and levied annually by a special rate, in addition to all other rates, upon the whole rateable property in the said Town of Fort William the yearly sum of \$1153.14 for the payment of the said debt and interest.

4. The said debentures shall bear date as of the 1st September, 1902, and shall be signed by the Mayor and Treasurer thereof and sealed with the seal of the said corporation.

5. Every debenture to be issued hereunder, shall contain a provision of the following words, "This debenture and any other interest therein shall



shall not, after a certificate of ownership has been endorsed thereon by the treasurer of the corporation, be transferable except by entry by the treasurer or his deputy in the debenture registry of the said corporation in the said Town of Fort William." or to the like effect.

6. That this by-law shall come into force on the first day of September, 1902.

7. The real (not to exceed five acres) and personal property of said W. J. Copp and Harold E. Copp, their representatives or assigns, used in connection with said works as part of the going concern shall be, and are hereby, exempt from taxation, saving school rates and local improvement taxes, of said town, for a period of ten years from the first day of January, 1903, upon and subject to the terms and conditions set out in above recited agreement, provided that this shall not extend to any dwelling houses erected upon said lands.

8. That the votes of the electors of the said municipality, entitled to vote on this by-law shall be taken on Wednesday, the 23rd day of July, 1902, commencing at 9 o'clock in the morning and closing at the hour of five o'clock in the afternoon of the same day, as follows:

In Ward 1—At J. W. Robertson's house; deputy returning officer, J. W. Robertson.

In Ward 2—(Sub-div. No. 1) In P. J. Manion's Sample Room; W. Phillips, deputy returning officer.

Sub-div. No. 2— At town hall; deputy returning officer, E. S. Rutledge.

In Ward 3—In Steven's photograph gallery, deputy returning officer, Jno. McNee.

In Ward 4—At Fire Hall; G. B. Smith, deputy returning officer.

9. That on Wednesday, the 16 h day of July, 1902, at the hour of ten o'clock in the forenoon the mayor of Fort William, will attend at the office of the town clerk in the town hall in the town of Fort William for the purpose of appointing in writing signed by himself, two persons to attend at the final summing up by the town clerk of the votes polled on this by-law and also of appointing one person to attend at each polling place on behalf of the persons interested in and desirous of promoting the passing of the by-law and a like number on behalf of the persons interested in and desirous of opposing the passing of this by-law.

10. That on Thursday, the 25th day of July, 1902, at the hour of ten o'clock in the forenoon at the office in the town hall in the town of Fort William, the clerk of the said town will proceed to sum up the number of votes given for and against this by-law.

Given under the corporate seal of the corporation as witnessed by hand and seal of its mayor and clerk this 5th August, 1902.

JOSHUA DYKE,  
Mayor.

A. McNAUGHTON,  
Clerk.

Seal.]

## SCHEDULE B.

### By-LAW No. 313.

#### Town of Fort William.

"A By-law to increase the power of and further improve the electric lighting system of the Town of Fort William, and to provide for the issue of debentures to the amount of \$40,000 necessary therefor.

Whereas it is necessary to increase the power in connection with the electric lighting system of the Town of Fort William in order to meet the present demands of the town and in order to keep the streets thereof lighted.

And

And whereas the commissioners of the said town deem it desirable to increase said power to the extent of 500 horse power at a cost of \$40,000.

And whereas the said sum of \$40,000 is the amount of debt intended to be created by this by-law ;

And whereas the whole amount of the rateable property of the said Town of Fort William, according to the last revised assessment roll of said town amounts to \$1,403,282.00.

And whereas the general debenture debt of the said town, exclusive of local improvements, amounts to \$337,530.98, of which no part of the principal or interest is in arrear.

And whereas in order to provide for said debt it is expedient to issue debentures of the said corporation to the amount of \$40,000, bearing interest at four and one half per centum per annum, and providing that such principal shall be repayable in yearly sums extending over twenty years from the date of issue of such debentures of such amounts that the aggregate amount payable for principal and interest in any year in respect of the principal shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of such period.

And whereas it will require the sum of \$3,075.05 to be raised annually by a special rate on the whole rateable property in the Town of Fort William for the paying of the said debt and interest as aforesaid.

Therefore the Corporation of the Town of Fort William enacts as follows :

1. It shall and may be lawful for the mayor of the said Corporation and he is hereby empowered, to borrow the said sum of Forty Thousand Dollars on the credit of the said corporation for the purposes aforesaid, and to issue twenty debentures of the said corporation each for the sum of \$3,075.05 payable at the office of the treasurer of the Town of Fort William, as follows :

Year	Interest	Principal	Total.
1904	\$1,800.00	\$1,275.05	\$3,075.05
1905	1,742.62	1,332.43	3,075.05
1906	1,682.67	1,392.38	3,075.05
1907	1,620.01	1,455.04	3,075.05
1908	1,554.53	1,520.52	3,075.05
1909	1,486.11	1,588.94	3,075.05
1910	1,414.61	1,660.44	3,076.05
1911	1,339.89	1,735.16	3,075.05
1912	1,261.81	1,813.24	3,075.05
1913	1,180.21	1,894.84	3,075.05
1914	1,094.94	1,980.11	3,075.05
1915	1,005.84	2,069.21	3,075.05
1916	912.72	2,162.33	3,075.05
1917	815.42	2,259.63	3,075.05
1918	713.73	2,361.32	3,075.05
1919	607.48	2,467.57	3,075.05
1920	496.44	2,578.61	3,075.05
1921	380.40	2,694.65	3,075.05
1922	259.14	2,815.91	3,075.05
1923	132.43	2,942.62	3,075.05

said \$3,075.05 being a sufficient yearly sum to be raised during each of the said period of twenty years to repay the said debt and interest at four and one half per centum per annum thereon.

2. The said debentures shall bear date as of March 1st, 1903, shall be signed by the mayor and treasurer thereof, and sealed with the corporate seal of said town.

3. Within said period of twenty years there shall be raised and levied annually by a special rate in addition to all other rates, upon the whole rateable property in the said Town of Fort William the yearly sum of \$3,075.05 for the payment of the said debt and interest as aforesaid.

4. Every debenture to be issued hereunder shall contain a provision in the following words : "This debenture or any interest therein shall not, after a certificate of ownership has been endorsed thereon by the treasurer of the municipality, be transferable, except by the entry by the treasurer or his deputy in the debenture registry of the said corporation in the said Town of Fort William," or to the like effect.

5. That this by-law shall come into force on the 1st day of March, 1903.

6. That the votes of the electors of the said municipality, entitled to vote on this by-law shall be taken on Monday, the 5th day of January, 1903, commencing at nine o'clock in the morning and closing at the hour of five o'clock in the afternoon of the same day, as follows :

In Ward 1—At J. W. Robertson's house ; deputy returning officer, J. W. Robertson.

In Ward 2—(Sub-div. No. 1) In Geo. McEdward's store, Simpson street ; W. Newcombe, deputy returning officer.

Sub-div. No. 2—At town hall ; deputy returning officer, F. S. Rutledge.

In Ward 3—In Miss Leach's photograph studio ; deputy returning officer, William Palling.

In Ward 4—At court house ; deputy returning officer, A. H. Wilson.

7. That on Thursday, the 1st day of January, 1903, at the hour of ten o'clock in the forenoon, the Mayor of Fort William will attend at the office of the town clerk in the town hall in the Town of Fort William for the purpose of appointing in writing signed by himself, two persons to attend at the final summing up by the town clerk of the votes polled on this by-law, and also of appointing one person to attend at each polling place on behalf of the persons interested in and desirous of promoting the passing of the by-law and a like number on behalf of the persons interested in and desirous of opposing the passing of this by law.

8. That on Tuesday, the 6th day of January, 1903, at the hour of ten o'clock in the forenoon at the office in the town hall in the Town of Fort William, the clerk of the said town will proceed to sum up the number of votes given for and against this by-law.

Given under the corporate seal of the corporation as witnessed by hand and seal of its mayor and clerk this 20th day of January, 1903.

JOSHUA DYKE, Mayor.

(Seal)

A. McNAUGHTON, Clerk.

## SCHEDULE C.

MEMORANDUM OF AGREEMENT made in duplicate this Twentieth day of November, 1902, between The Ogilvie Flour Mills Company, Limited, (hereinafter called the Company), of the first part ; and The Corporation of the Town of Fort William, (hereinafter called the town), of the second part.

Whereas the said town entered into a certain agreement with William W. Ogilvie, late of the City of Montreal, Miller, deceased with reference to the erection of a flour mill and elevator at the Town of Fort William, which agreement bore date 2nd day of November, 1899, and is fully set out in Schedule B to "An Act Respecting the Town of Fort William, 1900," passed by the Provincial Legislature of the Province of Ontario in the 63rd year of Her Late Majesty's Reign :

And whereas the company proposes to take over said agreement provided this agreement is approved of by the ratepayers of the Town of Fort William and sanctioned by the Legislature of the Province of Ontario.

Wherefore



Wherefore it is mutually covenanted promised and agreed by and between the said town and company as follows :

1. That the town will, upon the proper execution and delivery hereof and the delivery of the bond hereinafter mentioned and in consideration of the covenants hereinafter contained on the part of the company, release the marked cheque for \$25,000 now in the hands of the Bank of Montreal furnished by the late William W. Ogilvie and at the same time will grant a full and complete discharge to the estate of the late William W. Ogilvie of and from all obligations of every kind arising out of or in connection with the said contract.

2. The town hereby exempts the lands set out in said agreement with the said late William W. Ogilvie, and all buildings which may be erected thereon, as also all persons who may be the owners thereof in respect of such lands and buildings from all taxes (other than school rates) during a period of thirty years from the 30th day of April, 1900; and hereby further exempts all personal property of every kind which may be in any way associated with the operation of said mill and elevator, or the business connected therewith inclusive of all grain, flour and other products, which may during the period of this exemption be upon the said lands, or in transit thereto or therefrom, and the owners thereof in respect of such personal property, from all taxes including school rates, for the like period of thirty years from the 30th day of April, 1900, subject however to the provisions hereinafter contained.

3. Paragraph six and subsections A, B and C thereof, also paragraphs eight, ten and eleven of the agreement of the second of November, 1899, with the late William W. Ogilvie above referred to, are hereby cancelled and annulled.

4. In consideration whereof the company will construct, erect and equip upon the said lands or a portion thereof, a grain elevator of a capacity of not less than five hundred thousand bushels and a flour mill of a capacity sufficient to grind at least fifteen hundred barrels of flour per working day of 24 hours.

(a)--Provided that if the said mill and elevator be not fully completed and in operation before the expiration of 2 years from the passage of legislation ratifying this agreement, or the 30th day of April, 1903, which ever shall be last, then the said lands, buildings and personal property shall, notwithstanding the provisions hereinbefore contained, become liable to the ordinary taxation of the town and shall so continue until said buildings shall have been fully completed and put in operation.

(b)--Provided further that if said mill and elevator be not fully equipped and completed before the expiration of three years from the passing of legislation ratifying this agreement or the 30th April, 1903, whichever shall be last, then shall not only the exemption from taxation above provided for cease, but the company shall forfeit and pay to the town the sum of twenty-five thousand dollars as liquidated damages for such default and shall further convey and assure the lands above mentioned to the town, free of encumbrances, and with a good title in fee simple thereto.

(c)--Provided further that the company, shall immediately upon the passing of legislation ratifying this agreement make execute and deliver to the town the bond of the company in the sum of \$25,000 to secure the payment of the \$25,000 mentioned in subsection (b) of this clause conditioned upon the erection equipment and completion of said mill and elevator within three years from the 30th day of April, 1903, or from the passing of the legislation ratifying this agreement whichever shall be last, and in default that the said sum of \$25,000 shall be forfeited and paid to the town as liquidated damages.

(d)--Provided further that if the company is delayed in the construction, erection or equipment of the said mill and elevator through any cause beyond the company's control, then the period during which the said Company have been so delayed shall not be estimated in computing the said periods of two and three years respectively.

5. If at any time during the said period of thirty years all the buildings which have been erected on said lands are totally destroyed, and in case a flour mill and elevator of capacities aforesaid are not built within a period of two years from the happening of such destruction, then the said company shall pay to the town the sum of thirty-five thousand dollars.

(a)--If the buildings are partially destroyed in the period aforesaid and if a mill and elevator of the capacities aforesaid are not rebuilt within two years after such partial destruction, then all exemption from taxation shall cease, and the company shall pay to the town the sum of thirty-five thousand dollars.

(b)--If prior to the completion of such re-erection of the said buildings and their being put into operation they shall be destroyed or damaged by fire or by any other cause over which said company has no control then the periods during which the said company shall have been delayed by such cause shall not be estimated in computing the period of two years referred to in this paragraph.

6. This agreement is expressly subject to the assent of the duly qualified ratepayers of the said town entitled to vote thereon and to being legalized by the Legislature of the Province of Ontario, and to the company acquiring the said rights of the said William W. Ogilvie under above in part recited agreement, and to the legal representatives of the said late William W. Ogilvie consenting thereto.

7. It is further expressly understood that in case this agreement does not receive such assent of the ratepayers or is not approved of by the Legislature or the legal representatives of the said late William W. Ogilvie do not consent hereto, or said company are unable or do not acquire the rights of the said late William W. Ogilvie under above in part recited agreement or this agreement goes off for any other cause then it shall not in any way effect said above in part recited agreement or the position of the parties thereto.

8. Time is to be the essence of this agreement.

In witness whereof the corporate seal of the said town and company as witnessed by the hands of its proper officers in that behalf.

Signed, sealed and delivered  
in the presence of

D. McKELLAR.

WM. A. GAMBLE.

{ JOSHUA DYKE,  
Mayor. [Corporate Seal]  
A. McNAUGHTON,  
Clerk.

{ CHARLES R. HOSMER,  
President. [Corporate Seal]  
F. W. THOMPSON,  
Vice-President.

## SCHEDULE D.

BY-LAW No. 314.

Town of Fort William.

"A by-law to provide for the raising of \$5,000 by way of debentures for the purpose of improving Victoria Avenue and McVicar Street Sewers."

Whereas it is desirous and necessary that the sewers on Victoria Avenue and McVicar Street should be improved and put in better condition than at present ;

And

And whereas it will require the sum of \$5,000 to make such improvements ;

And whereas \$5,000 is the amount of the debt intended to be created ;

And whereas the amount of the whole rateable property of the Town of Fort William, according to the last revised assessment roll of said town, amounts to \$1,403,282.00 ;

And whereas the general debenture debt of said town, exclusive of local improvements, amounts to \$337,530.98, of which no part of the principal or interest is in arrear ;

And whereas in order to provide for the said debt it is expedient to issue debentures of the said corporation to the amount of \$5,000, bearing interest at four and one-half per centum per annum, and that such principal shall be repayable in yearly sums extending over a period of twenty years from the date of issue of such debentures of such amounts that the aggregate amount payable for principal and interest in any year in respect of the principal shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of such period ;

And whereas it will require the sum of \$384.38 to be raised annually as aforesaid by a special rate on the whole rateable property in the said town for the paying of the said debt and interest ;

Now therefore the corporation of the Town of Fort William enacts as follows :

1. That it shall and may be lawful for the Mayor of the Corporation of the Town of Fort William to borrow the said sum of \$5,000.00 on the credit of the said corporation, for the purposes aforesaid, and to issue twenty debentures of the said corporation each for the sum of \$384.38, payable at the Office of the Treasurer of said town as follows :

Table for \$5,000 Debenturee, Repayable in Twenty Years ; Interest 4½ per cent.

Year	Interest	Principal	Total
1904	\$225.00	\$159.38	\$384.38
1905	217.83	166.55	384.38
1906	210.33	174.05	384.38
1907	202.50	181.88	384.38
1908	194.32	190.06	384.38
1909	185.76	198.62	384.38
1910	176.82	207.56	384.38
1911	167.48	216.90	384.38
1912	157.72	226.66	384.38
1913	147.53	236.85	384.38
1914	136.87	247.51	384.38
1915	125.73	258.65	384.38
1916	114.09	270.29	384.38
1917	101.93	282.45	384.38
1918	89.22	295.16	384.38
1919	75.93	308.45	384.38
1920	62.05	322.33	384.38
1921	47.55	336.83	384.38
1922	32.39	351.99	384.38
1923	16.55	367.83	384.38

2. Within the said period of twenty years there shall be raised and levied annually by a special rate, in addition to all other rates, upon the whole rateable property of the said town the yearly sum of \$384.38 for the payment of the said debt and interest.

3. The said debentures shall bear date as of the 1st day of March, 1903, and shall be signed by the mayor and treasurer thereof and sealed with the seal of the said corporation.



4. Every debenture to be issued hereunder shall contain a provision in the following words: "This debenture or any interest therein shall not, after a certificate of ownership has been endorsed thereon by the treasurer of the said corporation, be transferable except by entry by the treasurer or his deputy in the debenture registry of the said corporation in the said Town of Fort William," or to the like effect.

5. This by-law shall come into force on the 1st day of March, 1903.

6. That the votes of the electors of the said municipality, entitled to vote on this by-law shall be taken on Monday, the 5th day of January, 1903, commencing at nine o'clock in the morning and closing at the hour of five o'clock in the afternoon of the same day, as follows:

In Ward 1—At J. W. Robertson's house; deputy returning officer, J. W. Robertson.

In Ward 2—(Sub-div. No. 1) In Geo. McEdwards' store, Simpson street; W. Newcombe, deputy returning officer.

Sub-div. No. 2—At town hall; deputy returning officer, William Palling.

In Ward 4—At court house, deputy returning officer, A. H. Wilson.

7. That on Thursday the 1st day of January, 1903, at the hour of ten o'clock in the forenoon the mayor of Fort William will attend at the office of the town clerk in the town hall in the Town of Fort William for the purpose of appointing in writing signed by himself, two persons to attend at the final summing up by the town clerk of the votes polled on this by-law and also of appointing one person to attend at each polling place on behalf of the persons interested in and desirous of promoting the passing of the by-law and a like number on behalf of the persons interested in and desirous of opposing the passing of this by-law.

8. That on Tuesday, the 6th day of January, 1903, at the hour of ten o'clock in the forenoon at the office in the town hall in the Town of Fort William, the clerk of the said town will proceed to sum up the number of votes given for and against this by-law.

Given under the corporate seal of the corporation as witnessed by hand and seal of its mayor and clerk this 20th day of January, 1903.

JOSHUA DYKE,  
Mayor.

A. McNAUGHTON,  
Clerk.

## CHAPTER 53

## An Act respecting the Debenture debt of the Town of Gananoque.

*Assented to 22th May, 1903.*

## Preamble.

**W**HEREAS the Corporation of the Town of Gananoque (formerly the Village of Gananoque), under their By-law number 170, passed on the 14th day of June, 1883, incurred a debenture debt of \$10,000 in aid of The Thousand Islands Railway Company, maturing on the 1st of August, 1903; and whereas prior to 1891 no proper or sufficient sinking funds were provided for redeeming the various debentures of the said Village of Gananoque, but at that time a sum of \$3,574, or thereabouts, had been raised by way of sinking fund with respect to the said debenture debts, but it could not be ascertained what proportions were applicable to the several debenture debts so incurred; and whereas, by an Act passed in the 54th year of the Reign of Her late Majesty Queen Victoria chaptered 68, the said sum of \$3,574 was authorized to be applied in or towards the retirement of debentures issued under authority of by-laws numbered 59 and 89 of the Village of Gananoque; and whereas there has been raised by way of sinking fund with respect to the retirement of the debentures issued under the said By-law number 170, the sum of \$4,300, or thereabouts; and whereas it is desirable to make provision for the redemption of the residue of the said debenture debt incurred under said By-law number 170, and the said corporation has by its petition prayed that an Act may be passed for that purpose; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Issue of  
debentures to  
redeem debentures now  
outstanding.

1. For the purpose of redeeming the said debenture debt of \$10,000, incurred under the said By-law number 170, and maturing on August 1st, 1903, the said corporation may pass a by-law authorizing the issue of debentures of the said town for a sum not exceeding the sum of \$5,700, which with the sinking fund provided for the said debentures and the accumulated interest thereon, namely \$4,300, shall be used in payment of the said debentures.

2.

2. Any by-law passed under the authority of this Act shall be passed in accordance with the provisions of *The Municipal Act*, but it shall not be necessary in any case to submit the same to the electors or to obtain their assent thereto, and no irregularity in the form thereof, or the formalities attending the passing of the same, or in the debentures to be issued thereunder, shall render the by-law or debentures invalid or illegal, or be allowed as a defence to any action brought against the corporation for the recovery of the debenture debt so to be incurred, and the interest thereon.

Assent of  
electors not  
required etc.

3. The debentures to be issued under the authority of this Act shall be payable at such place as the council may determine, and shall mature on a date or dates not more than twenty years from the date or dates thereof, and the interest thereon shall not exceed four per centum per annum, and may be made payable yearly or half yearly as the council may determine.

Term of  
debentures.

4. For the payment of the debentures to be issued under the authority of this Act, the council shall impose a special rate in each year (over and above all other rates to be levied in each year), which shall be sufficient to pay the interest on the said debentures and form a sinking fund for the purpose of paying the principal thereof.

Special rate.

5. It shall be the duty of the treasurer, from time to time, of the said town to keep, and it shall be the duty of each of the members, from time to time, of the said municipal council to procure such treasurer to keep, and to see that he does keep, a proper book of account setting forth a full and particular statement so that the same shall at all times shew the number of debentures which shall from time to time be issued under the powers conferred by this Act, and the times at which the said debentures shall respectively become due and payable, and the amount realized from the sale thereof and the application which shall be made of the said amount and the investments which shall from time be made of the sinking fund, and the said book of account and statement shall at all times and at all reasonable hours be open to the inspection of any ratepayer of the said town, and of any of the holders from time to time of the debentures which shall be issued under the powers hereby conferred.

Treasurer to  
keep book of  
account.



## CHAPTER 54.

An Act to confirm By-law No. 31, 1902, of the Town of Goderich.

*Assented to 22nd May, 1903.*

Preamble.

WHEREAS in and by By-law No. 9 of 1901, of the Town of Goderich, as validated and confirmed by an Act of the Legislature of the Province of Ontario, passed in the second year of the Reign of His Majesty chaptered 50 the Corporation of the said Town of Goderich was authorized and empowered to borrow the sum of \$10,000 and to lend the same to any person or persons proposing to erect and establish a summer hotel in the said town, and to issue the debentures of the said corporation for the said sum and to levy and raise an annual rate sufficient to pay the said debentures and the interest thereon at the rate of four per cent. per annum; and whereas by clerical error in the said by-law, so validated and confirmed as aforesaid the amount directed to be levied and raised in each year for the purpose of paying the said debentures was erroneously fixed at \$1,200.61, which said annual amount was insufficient for the purposes aforesaid; and whereas in order to correct the said error the said corporation on the 24th day of July, 1902, passed the by-law hereinafter set forth; and whereas in consequence of the said error the said debentures so authorized to be issued could not be sold, and the said rate was not levied for the year 1902, being the first year in which the same is directed to be levied; and whereas before the discovery of the said error the construction of the said summer hotel had been commenced and contracts made in respect thereof, and it became necessary to borrow the said sum, and the same or the greater portion thereof was borrowed by the said town from the Bank of Montreal and loaned to the persons so constructing the said hotel; and whereas the said corporation has by its petition prayed that the said by-law may be confirmed and declared to be legal and valid, and that the further relief hereinafter set out should be granted; and whereas it is expedient to grant the prayer of the said petition:

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. By-law No. 31 for 1902, of the Corporation of the Town of Goderich, amending and correcting By-law No. 9 for 1901, of the said corporation as confirmed by the said Act, and set forth in the Schedule to this Act, is confirmed and declared to be valid and binding from the time of the passing thereof to all intents and purposes. Amending by-law confirmed.

2.—(1) And in order to more effectually carry out and express the said amendment and for the purpose of changing the periods of payment of the said debentures and the times when the levy for the payment thereof shall be made, paragraph 2 of By-law No. 9 of 1901, of the said Town of Goderich, as set forth in Schedule A of the Act passed in the second year of His Majesty's Reign, chaptered 50, is hereby repealed and the following is substituted in place thereof :— 2 Edw. VII, c. 50, Schedule A (2) repealed.

(2) And for the repayment of the said sum of \$10,000 and interest thereon at the rate of four per cent. per annum there shall be assessed and levied over and above all other rates and taxes upon the whole taxable property within the said municipality during each and every year in this paragraph set out, the following sums, namely :—

In the year 1903.....	the sum of \$1,232 92
" " " 1904.....	" " " 1,232 92
" " " 1905.....	" " " 1,232 92
" " " 1906.....	" " " 1,232 92
" " " 1907.....	" " " 1,232 92
" " " 1908.....	" " " 1,232 92
" " " 1909.....	" " " 1,232 92
" " " 1910.....	" " " 1,232 92
" " " 1911.....	" " " 1,232 92
" " " 1912.....	" " " 1,232 92

And the said debentures shall be for the respective amounts above set out, and shall be repayable on the 31st day of December in each of the said years respectively.

3. Paragraph 1 of the said by-law contained in Schedule A to the said Act passed in the 2nd year of His Majesty's Reign, is amended by striking out the words "with coupons attached for the payment of interest" in the 9th and 10th lines thereof. 2 Edw. VII, c. 50, Schedule A (1) amended.

4. The proceeds of the said debentures shall be applied in repayment of the moneys borrowed by the said Town of Goderich from the Bank of Montreal for the purposes of the said loan to the person so erecting the said summer hotel, so far as may be necessary for that purpose, and the balance (if any) shall be applied as directed by the said by-law and for no other purpose whatever. Application of proceeds.

## SCHEDULE

## SCHEDULE

By-law No. 31, of 1902, of the Town of Goderich. To amend By-law No. 9, of 1901, of the said Town of Goderich.

WHEREAS, in the said By-law No. 9, of 1901, the amount necessary to be levied and collected in each year for payment of principal and interest on the debt therein proposed to be created is stated to be \$1,200.61.

And whereas it has been discovered that the amount is incorrectly stated, and that the amount necessary to be levied and collected annually for repayment in ten years of the sum of \$10,000 with interest at four per cent. is actually \$1,232.92.

And whereas the Legislature of the Province of Ontario has passed a Special Act in this connection, known as 2 Edward VII, chapter 50, *An Act respecting the Town of Goderich*, in which Act express power is given to the corporation of the said town "to levy and raise an annual rate on all the rateable property within the said town sufficient to pay the said debentures and the interest thereon as in the said by-law set forth, and all acts done or to be done, and all payments made or to be made by the said corporation, pursuant to the said by-law are hereby declared to be valid and binding, anything in any Act to the contrary notwithstanding."

Be it therefore enacted and it is hereby enacted that, wherever in the said By-law No. 9, of 1901, the said amount of \$1,200.61 appears the same shall be deleted and in its place shall be inserted the said amount of \$1,232.92, and, further, if such a course should be found necessary, that the corporation shall apply to the Legislative Assembly of the Province of Ontario, at its next meeting, for a Special Act confirming this by-law.

This by-law shall come into force as soon as passed.

Passed this 24th day of July, 1902.

M. G. CAMERON,  
Mayor.

(Seal)

WM. MITCHELL,  
Clerk.



## CHAPTER 55.

An Act to confirm By-law No. 455 of the City of Guelph and for other purposes.

*Assented to 12th June, 1903.*

**W**HEREAS the Municipal Corporation of the City of Guelph has by petition represented that the said corporation has passed a by-law to authorize the purchase of the works and property of the Guelph Light and Power Company, Limited, and for that purpose to provide for the issue of debentures to the amount of \$155,000; and whereas it has been made to appear that the said by-law was submitted to a vote of the ratepayers of the said city entitled to vote on money by-laws as provided by *The Municipal Act*, and was duly carried by the said ratepayers; and whereas by section 11 of the Act passed in the first year of His Majesty's reign chapter 53 intituled "*An Act to consolidate and re-arrange the Debenture Debt of the City of Guelph*," it was enacted that it should not be lawful for the Council of the Municipal Corporation of the City of Guelph until the time therein mentioned to assess, levy or collect upon the whole rateable property of the said city a rate higher in the aggregate than 15 mills on the dollar on the assessed value thereof exclusive of the school and local improvement rates; and whereas it has been further made to appear that the revenue which will be produced to the said city from the operation of the said works will be more than sufficient to pay the instalments of principal money and interest falling due under the debentures to be issued in pursuance of the said by-law; and whereas it has thus been made to appear that the issue of debentures under the said by-law for the purchase of the said works by the said city will not have the effect of infringing upon the provisions of the said section 11 of the said Act; and whereas the said corporation have prayed that an Act may be passed to confirm the said by-law so as to remove any doubts as to the validity of the debentures to be issued thereunder in view of the provisions of the said section 11 of chapter 53 aforesaid and for other purposes as hereinafter mentioned; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law 455<sup>e</sup>  
(for purchase  
of Guelph  
Light and  
Power Works)  
confirmed.

1. By-law No. 455 of the Corporation of the City of Guelph set forth in the Schedule to this Act is confirmed and declared legal, valid and binding upon the said municipal corporation and the ratepayers thereof to all intents and purposes, notwithstanding the said section 11 of the said chapter 53 and notwithstanding any want of jurisdiction on the part of the said municipality to pass the said by-law, and notwithstanding any defect or error in substance or in form of the said by-law or in the manner of passing the same; and the debentures to be issued under the said by-law are declared valid, legal and binding upon the said corporation and the ratepayers thereof; and the said corporation is authorized and empowered to do all necessary acts for the full and proper carrying out of the said by-law and of the purchase thereby authorized.

Accounts to  
be kept of  
revenues  
from works.

2. A special and separate bank account shall be kept by the said municipal corporation in respect to the revenues produced by the operation of the said works, and the Council shall pay into the said special account quarterly the same amount as it paid in the year 1902 to The Guelph Light and Power Company, Limited, for public lighting and other public services and shall also pay into such special account all moneys otherwise received from the operation of the said works; and it shall charge against the said payments and receipts all expenditure connected with the operation and management of the said works including the maintenance and repair thereof; and the surplus or net revenue shall be applied yearly or oftener in payment of the instalment of principal and interest due in each year upon the said debentures to be issued under the said by-law; and any further balance of net revenue remaining, if not required for extensions of the works, may be applied to the general purposes of the municipality; and the current or accruing yearly instalment of principal and interest shall be a first charge upon the net revenue produced or derived from the operation of the said works for or during such year. Provided, however, that the said municipal corporation shall be bound to provide and make good in each year the difference (if any) which may arise in such year between the said net revenue produced or derived from the management and operation of the said works and the amount required to discharge the instalment of debt and interest falling due in such year; and nothing herein shall in any manner impair or affect the rights of the holders of the said debentures as against the said corporation to recover from it the full amount of principal and interest due thereon according to the tenor and effect thereof.

Proviso.

Costs of pend-  
ing litigation  
not affected.

3. Nothing in this Act contained shall affect the question of costs in any action, matter or other proceeding pending at the time of the passing hereof. The costs shall be awarded in every such case in the same manner and to the same parties as if this Act had not been passed.

SCHEDULE

## SCHEDULE.

## THE CORPORATION OF THE CITY OF GUELPH.

By-law No. 455. A By-law to authorize the purchase of the works and property of the Guelph Light and Power Company, Limited, and for that purpose to provide for the issue of Debentures to the amount of \$155,000.00.

Whereas the Council of the Corporation of the City of Guelph being desirous of acquiring, purchasing and taking over for the said Corporation the works and property of The Guelph Light and Power Company, Limited, being a company owning and carrying on Gas and Electric Light works in the said city, have entered into negotiations with the company for the purchase of the works, property and assets of the company as a going concern, and as a result of such negotiations an agreement has been arrived at between the said Company and the Council of the said City Corporation for the purchase by the City Corporation for the use of such corporation and of all persons the works, property and assets of the said Company in the said City of Guelph and including the plant of the Company in the Township of Guelph as a going concern at or for the price or sum of \$155,000 ;

And whereas the said agreement has been reduced to writing and has been executed by the said Company and by the said City Corporation, but the same is subject to the assent of the electors being given to this by-law ;

And whereas it is expedient in the interest of the said City to acquire the works of the said Company as aforesaid ;

And whereas in order to pay the said purchase money it will be necessary for the Corporation of the City of Guelph to raise the sum of \$155,000 by way of loan in manner hereinafter set forth ;

And whereas it will require the sums mentioned and set forth in the schedule hereunto annexed marked "A" to be raised annually for a period of thirty years, being the period of the currency of the debentures to be issued under this By-law to pay the principal money and interest of the said sum of \$155,000, the said sums set forth in the said schedule being sufficient to discharge the said debt and interest within the period aforesaid as the same become payable ;

And whereas the aggregate amount payable in each year for principal money and interest in respect to the said debt is as nearly as possible equal to the amount payable in each of the other years in respect of the said debt and interest as shown in the said schedule, the total amount to be raised in each year for principal and interest during the said period of thirty years being the sum of \$8,693.58 ;

And whereas the amount of the whole rateable property in the City of Guelph, according to the last revised assessment thereof being for the year 1902, is the sum of \$3,803,535.

And Whereas it will require the sum mentioned above, namely \$8,693.58 to be raised annually for the payment of the said sum of \$155,000 with interest ; the said interest being at the rate of 3 3-4 per cent. per annum ;

And Whereas the amount of the existing debenture debt of the City of Guelph is the sum of \$507,400.00 and no part of the principal or interest thereof is in arrear ;

Therefore the Municipal Council of the Corporation of the City of Guelph enacts as follows :—

(1) The Municipal Council of the said City shall expend the sum of \$155,000 in the purchase of the works and property of the said The Guelph Light and Power Company, Limited, under the said agreement and for the purpose of raising the said sum, debentures of the said City



City to the amount of \$155,000 as aforesaid, payable in accordance with the said schedule and in sums of not less than \$100 each shall be issued on the 15th day of April, 1903, each of which debentures shall be dated on the day of issue thereof, and shall be payable in accordance with the said schedule and within thirty years thereafter at the office of the City Treasurer of the City of Guelph.

(2) The said debentures shall be signed by the Mayor of the said City and by the Treasurer thereof and shall have attached thereto the Corporate Seal of the municipality.

(3) The said debentures shall bear interest at the rate of 3 3-4 per cent. per annum, payable yearly at the office of the City Treasurer on the 15th day April in each and every year during the currency thereof and shall have attached to them coupons for payment of the said interest, which coupons shall be signed by the said Mayor and City Treasurer.

(4) During the currency of the said debentures there shall be raised annually by special rates on all the rateable property in the City of Guelph the sum of \$8,693.58, for the purpose of paying the amount due in each of the said years for principal and interest in respect of the said debt as shown in the schedule "A" hereunto annexed.

(5) The By-law shall take effect and come into operation on the day of the passing thereof.

(6) The votes of the electors of the said City of Guelph shall be taken on this By-law on Monday, the 5th day of January, 1903, commencing at the hour of nine o'clock in the forenoon and continuing until five o'clock in the afternoon of the said day, at the following places and by the following Deputy Returning Officers, that is to say :—

1. Polling Subdivision No. 1, at St. Patrick's Ward School House, with Joshua Kribs, Deputy Returning Officer.

2. Polling Subdivision No. 2, at Presant's Office, Wellington Street, with Harvey McCullough, Deputy Returning Officer.

3. Polling Subdivision No. 3, at the City Hall, with M. J. Doran, Deputy Returning Officer.

4. Polling Subdivision No. 4, at the Victoria Rink on Baker Street, with James J. Thorp, Deputy Returning Officer.

5. Polling Subdivision No. 5, at the Court House, with Caleb Chase, Deputy Returning Officer.

6. Polling Subdivision No. 6, at St. George's Ward School House, with James U. Barry, Deputy Returning Officer.

7. Polling Subdivision No. 7, at Mrs. Johnston's House, Palmer Street, with Edwin Parkinson, Deputy Returning Officer.

8. Polling Subdivision No. 8, at Read's Gallery, King Street, with W. J. Kenning, Deputy Returning Officer.

9. Polling Subdivision No. 9, at Jarrett's Store, Perth Street, with Samuel Law, Deputy Returning Officer.

10. Polling Subdivision No. 10, at St. John's Ward School House, with Wm. M. Mann, Deputy Returning Officer.

11. Polling Subdivision No. 11, at Harry Kellett's House on the London Road, with A. C. R. Saunders, Deputy Returning Officer.

12. Polling Subdivision No. 12, at St. David's Ward School House on Suffolk Street, with C. J. Eisele, Deputy Returning Officer.

13. Polling Subdivision No. 13, at Gowdy's Office, Suffolk Street, with Malcolm McLean, Deputy Returning Officer.

14. Polling Subdivision No. 14, at the Collegiate Institute, with D. A. Scroggie, Deputy Returning Officer.

15. Polling Subdivision No. 15, at Senior Girls' School, Dublin street, with Robert McKenzie, Deputy Returning Officer.

16. Polling Subdivision No. 16, at P. Stevens' store, Northumberland street, with George Poole, Deputy Returning Officer.

17. Polling Subdivision No. 17, at the Waterloo Avenue School, with Peter Gould, Deputy Returning Officer.

18. Polling Subdivision No. 18, at Brills' Office, Gordon street, with Walter Grierson, Deputy Returning Officer.

19. Polling Subdivision No. 19, at Joseph Shaw's House, Albert street, with Joseph Shaw, Deputy Returning Officer.

(7) On the second day of January, 1903, the Mayor of the City of Guelph, shall attend at the City Hall, Guelph, at ten o'clock in the forenoon to appoint persons to attend at the various polling places aforesaid and at the final summing up of the votes by the Clerk on behalf of the persons interested in, and promoting or opposing the passing of this By-law respectively :—

(8) The Clerk of the Council of the said City shall attend at the City Hall at ten o'clock in the forenoon on the 7th day of January, 1903, to sum up the number of votes for and against the By-law.

Passed on the 9th day of February, A.D., 1903.

[ Sgd. ] J. H. HAMILTON,  
Mayor.

[ Sgd. ] RICHARD MITCHELL,  
Clerk.

#### SCHEDULE "A" REFERRED TO IN THE BY-LAW HERETO ANNEXED.

Amount of principal and interest required yearly to retire \$155,000: Debentures, in 30 years at  $3\frac{3}{4}$  per cent. payable by instalment, as follows

Year.	Interest.	Principal.
1.....	\$5,812.50	\$2,881.08
2.....	5,704.45	2,989.13
3.....	5,592.36	3,101.32
4.....	5,476.07	3,217.51
5.....	5,355.41	3,338.17
6.....	5,230.23	3,463.35
7.....	5,100.35	3,593.23
8.....	4,965.61	3,727.97
9.....	4,825.81	3,867.77
10.....	4,680.77	4,012.81
11.....	4,530.29	4,163.29
12.....	4,374.16	4,319.42
13.....	4,212.18	4,481.40
14.....	4,044.13	4,649.45
15.....	3,869.78	4,823.80
16.....	3,688.89	5,004.69
17.....	3,501.21	5,192.37
18.....	3,306.50	5,387.08
19.....	3,104.48	5,589.10
20.....	2,894.90	5,798.68
21.....	2,677.45	6,016.13
22.....	2,451.84	6,241.74
23.....	2,217.78	6,475.80
24.....	1,974.93	6,718.65
25.....	1,722.99	6,970.59
26.....	1,461.59	7,231.99
27.....	1,190.39	7,503.19
28.....	909.02	7,784.56
29.....	617.10	8,076.48
30.....	314.23	8,379.35

\$105,807.40

\$155,000.00

Amount to be raised annually, \$8,693.58.

CHAPTER

## CHAPT. R 56.

### An Act respecting the Village of Hanover.

*Assented to 22nd May, 1903.*

#### Preamble.

**W**HEREAS the Municipal Council of the Village of Hanover and a majority of the residents and real estate owners in the adjoining territory within the boundaries hereinafter described have by their petitions represented that the extension of the limits of the said village by attaching thereto the portion of the Township of Brant hereinafter in this Act more particularly described, would greatly promote the future progress and prosperity of the inhabitants thereof, and insure to them a better administration of their public affairs and better protection from fire, and would render the boundaries of the said village more compact; and whereas the said adjoining territory has a population of upwards of 325 inhabitants, and has within its limits two furniture factories, a grist mill, a woolen mill and a large number of stores and other shops, and by its natural situation should be a part of the said incorporated village; and whereas the village council of the said village has been for some time protecting the property of the citizens of the said adjoining territory from fire by using the present system of waterworks of said village for such purpose; and whereas the petitioners are desirous that the said territory hereinafter described be annexed to the said village upon the terms and conditions hereinafter mentioned; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

#### Description of land to be annexed to Village.

1. On and after the passing of this Act the lands lying within the limits described as follows, viz.:—The whole of what was farm lot number 73 in the first concession north of the Durham road in the Township of Brant, the whole of farm lot number 74 in said first concession north of the Durham road in said township; the north twenty-five acres of lot 73 in the first concession south of the Durham road in the said township; the whole of what was farm lot number 74 in said first concession south of the Durham road in said township, containing in all 175 acres of land, more or less, including all subdivisions and lots registered according to plans of said



said lands or portions thereof ; also that portion of the highway known as the Durham road lying between the said concessions in the said township and the lands fronting on the same ; the part of the highway known as the boundary line between the Township of Brant and the Village of Hanover, in both of said concessions adjoining said lands ; all other streets, alleys, squares, public roads or lanes laid out under municipal authority or by private parties within the boundaries of said lands, and the portions of the said district subdivided into park lots, plans of which have been registered, shall be separated from the municipality of the Township of Brant and shall be annexed to the Village of Hanover.

2. All property liable for taxation situate within the said described territory shall be exempt from taxation in respect to and for the debenture debt of \$10,000 and interest thereon issued and created by the said Village of Hanover to pay a bonus of \$10,000 to the Knechtel Furniture Company, Limited.

Land annexed  
exempt from  
taxation for  
debenture  
debt.

3. Except as otherwise provided by this Act the provisions of *The Municipal Act* and amending Acts and all other general Acts respecting municipal institutions with regard to matters consequent to additions made to incorporated villages by adding any part of the localities adjacent thereto by proclamation of the Lieutenant-Governor, shall apply to the said village as enlarged by this Act in the same manner as they would have been applicable had the said addition been made by proclamation of the Lieutenant-Governor under the provisions of the said Act.

Rev. Stat.  
c. 223, what  
provisions of  
to apply.

4. The expenses of obtaining this Act and of furnishing any copies of any documents, writings, papers or any matter whatever required by the clerk or other officer of the said village or otherwise shall be borne by the said village and paid to any person entitled thereto.

Expenses  
of Act.

## CHAPTER 57.

## An Act respecting the Town of Huntsville.

*Assented to 22nd May, 1903.*

Preamble.

WHEREAS the Corporation of the Town of Huntsville has by petition set forth the desirability of extending to the said corporation, and to the council and officers thereof, the provisions of *The Municipal Act* and all other Acts applicable to towns in counties of the Province of Ontario; and, further, the expediency of legalizing and making valid certain by-laws of the said town passed since the incorporation thereof as a town, and which, but for the passing of this Act, would be beyond the powers of the said corporation as defined by section 31 of chapter 225 of the Revised Statutes of Ontario, and of empowering the said town to extend its water works system; and whereas there is no opposition to the said petition, and it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

General powers of town.

1. The Town of Huntsville shall possess and enjoy all such rights, powers and privileges as are now or shall hereafter be conferred on incorporated towns in counties in the Province of Ontario, under *The Municipal Act* or any other general Act of the Legislature of Ontario, and all the powers, rights and privileges held, exercised and enjoyed by the council and officers of any incorporated town in an organized county, or which shall hereafter be conferred upon any such councils or officers by *The Municipal Act* or any other general Act of the Legislature of Ontario, are conferred upon and shall be held, exercised and enjoyed by the council and officers of the said Town of Huntsville. This section shall be deemed to have been in force and effect, and shall be construed as if the same had been in force and effect on, from and after the first day of January, 1901, being the date of the incorporation of the Municipality of Huntsville as a town.

To be retroactive.

By-laws validated.

2. All by-laws passed by the council of the said town since the said date of incorporation, and which are within the powers conferred upon the said town and the council thereof  
by

by section 1 of this Act, and which, but for the passing of this Act, would be illegal as beyond the powers possessed by the said corporation and the council thereof, but which are in all other respects legal, are declared to be legal and valid by-laws.

3 All assessments and proceedings had and taken, all duties and acts performed by the assessor, collector and treasurer, and each of them, and other officials of the said town in respect of, in or towards the assessment and collection of taxes against lands within the said municipality, and which but for the passing of this Act would be illegal, but which are in all other respects legal, are declared to be legal and valid. Tax sales confirmed.

4. The Council of the Town of Huntsville may, after the coming into force of this Act, pass a by-law or by-laws to extend the water mains and pipes of their waterworks system to and upon the properties of The Muskoka Wood and Manufacturing Company, Limited, and The Huntsville and Bracebridge Tanning Company, Limited, and to construct such hydrants thereon as may be necessary or expedient for water supply and fire protection on such terms and subject to such agreements (if any) as the council of the said town may deem necessary to make with the said companies or either of them. Extension of waterworks system.



## CHAPTER 58.

An Act to confirm By-Law No. 610 of the Town  
of Ingersoll.*Assented to 22nd May, 1903.*

## Preamble.

WHEREAS the Corporation of the Town of Ingersoll has by their petition shown that under by-law of the said corporation, numbered 235, passed on the 8th day of April, 1887, in pursuance of the statutes then in force in Ontario, a bonus of \$16,000 was granted to The Hault Manufacturing Company to enable them to erect and operate a factory in the said town for the manufacture of upholsterers' materials and upholstered goods and furniture, on condition that they should furnish employment for from ninety to one hundred men and boys for ten years from the 1st of August, 1887, and a mortgage was given on the said property to secure the performance of these conditions; and whereas the said property has become vested in The Ellis Furniture Company, subject to the terms of said mortgage; and whereas it was found that the said industry had not kept a sufficient number of men employed to entitle it to a discharge of the said mortgage, within the said term of ten years; and whereas the council of the said corporation, by by-law passed on the 17th day of November, 1897, and numbered 479, enacted that an extension of time for the period of five years from the 17th day of November, 1897, be granted to The Ellis Furniture Company for fulfilling the terms and conditions of the said mortgage, on condition that The Ellis Furniture Company employ on an average not less than sixty skilled workmen for the term of five years from the 17th day of November, 1897; and whereas by an Act passed in the 61st year of the reign of Her late Majesty Queen Victoria, chaptered 45, the said by-law, numbered 479, was confirmed and declared valid and binding on the said corporation; and whereas it has been found that The Ellis Furniture Company has not kept a sufficient number of men employed to entitle it to a discharge of the said mortgage, within the said period of five years from the 17th day of November, 1897; and whereas the council of the said corporation has by by-law passed on the 20th November, 1902, and numbered 610, enacted that an extension of time for the period of five years from the 20th November, 1902, be granted to The Ellis Furniture Company, for fulfilling the terms and conditions

conditions of the said mortgage, on condition that they employ not less than an average of sixty skilled workman; and whereas doubts exist as to the validity of the said by-law granting such extension, and the said municipal corporation has prayed that the same and all acts done by the corporation thereunder may be confirmed and declared legal and valid; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said By-law Number 610, of the Corporation of the Town of Ingersoll, passed on the 20th November, 1902, referred to in the preamble to this Act, and set out in the Schedule hereto is confirmed and declared valid and binding on the said corporation from the time of the passing thereof to all intents and purposes, and the municipal council of the said Corporation of the Town of Ingersoll is declared to have been authorized to pass the said by-law for the purposes therein mentioned, and all acts done or to be done by the said corporation pursuant to the said by-law are declared to be valid and binding on the said corporation, anything in any Act to the contrary notwithstanding.

By-law No.  
610 confirmed.

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## SCHEDULE.

### By-Law No. 610.

A By-law of the municipal council of the Town of Ingersoll authorizing an extension of time to the Ellis Furniture Company, for carrying out the provisions of By-law Number 240 of the said Town of Ingersoll and the agreement incorporated therewith.

Whereas by a certain by-law, Number 240, of the said Town of Ingersoll, passed on the eleventh day of July, A. D. 1887, a bonus for the sum of sixteen thousand dollars was granted to the Hault Manufacturing Company, Limited, to enable them to purchase a site and erect a building thereon suitable for the manufacture of upholsterers' materials, upholstered goods and furniture.

And whereas the said bonus was subsequently granted to the said Hault Manufacturing Company, Limited, and they erected on a site purchased with the said bonus money of sixteen thousand dollars a building for the manufacture of upholsterers' materials, upholstered goods and furniture, and for the further securing the repayment to the corporation of the said Town of Ingersoll of the said bonus money, a mortgage was given by them, the said Hault Manufacturing Company, Limited, to the municipal corporation of the Town of Ingersoll, conditioned for the same becoming void at the expiration of ten years from the first day of August, A. D. 1887, on their proving to the satisfaction of the said corporation that they had in the meantime, during each of the said ten years, employed and furnished employment in their factory for not less than from ninety to one hundred men and boys, earning the ordinary wages for adults, and for the further securing of carrying out the conditions on which the said bonus was granted, a mortgage was given on the thirtieth day of January, A. D. 1888, by the said Hault Manufacturing Company, Limited,

to the said Town of Ingersoll, whereby it was agreed that the said corporation should credit on the said mortgage in each year for the next ensuing ten years, subsequent to the first day of August, A. D. 1887, at the rate of eighteen dollars per head per man, that they should have employed in their said factory during the time aforesaid.

And whereas since the granting of such bonus to the Hault Manufacturing Company all their estate and interest in the said land and premises covered by the said mortgage, and also their interest in the said bonus of sixteen thousand dollars, has become vested by various mesne assignments in the Ellis Furniture Company to which no objection has been raised by the said corporation.

And whereas by a certain by-law numbered 479 of the said Town of Ingersoll passed on the 17th day of November, 1897 an extension of time was granted to the Ellis Furniture Company for carrying out the provisions of by-law number 240 by extending the time for the carrying out of the provisions of the said mortgage for five years from the seventeenth day of November 1897.

And whereas by a certain Act of the Legislative Assembly of the Province of Ontario numbered 32 in the year 1897 the said by-law numbered 749 was confirmed and declared valid and binding on the said Corporation.

And whereas the said terms of ten years granted by by-law number 240 and the term of years granted by by-law numbered 479 have now expired in which the whole of the bonus money aforesaid should have been earned by the said Ellis Furniture Company, but the conditions of the said mortgage have not been fulfilled by them and they are now in default.

And whereas an application has been made by the last named Company for a further extension of five years for the carrying out by them of the terms of the said mortgage, which application the said council has agreed to grant for five years and on the terms hereinafter provided for.

Be it therefore enacted by the municipal council of the Town of Ingersoll that an extension of time for the period of five years from the date hereof be granted to the Ellis Furniture Company, for fulfilling the terms and conditions of the mortgage given on the thirtieth day of January, A. D. 1888, by the Hault Manufacturing Company to the corporation of the Town of Ingersoll on condition that they employ in their factory, on which the said town hold their mortgage, in the meantime an average of not less than sixty skilled workmen, in each of the years for which the extension is hereby granted, and that if at the expiration of the said extension of five years hereby granted the whole of the unpaid portion of the mortgage money has not been earned, the same is to be paid in cash by the Ellis Furniture Company to the corporation of the said town.

■ This by-law shall come into force and take effect immediately from and after the time when the same shall have been legalised by the Legislative Assembly of the Province of Ontario, and nothing herein contained shall affect the rights of the municipality of the said town to assess the said above properties for municipal and all other taxes.

Read a first and second time the 17th day of November, A. D. 1902.

Read a third time and finally passed the 20th day of November, A. D. 1902.

WALTER MILLS, [SEAL]  
Mayor.

W. R. SMITH,  
Clerk.



## CHAPTER 59

## An Act respecting the Town of Ingersoll.

*Assented to 22nd May, 1903.*

**W**HEREAS the Municipal Council of the Corporation of Preamble.  
the Town of Ingersoll has by petition shown that the council of the said town did on the 2nd day of October, 1899, pass a by-law for granting aid to The Tilsonburg, Lake Erie and Pacific Railway Company in the sum of \$20,000 by way of bonus, and that the said by-law was submitted to and received the assent of the ratepayers of the said town and that The Tilsonburg, Lake Erie and Pacific Railway Company has completed its line from the Town of Tilsonburg to the said Town of Ingersoll, and that the same is now operated as required by the said by-law; and, whereas the said Council has by the said petition prayed that an Act may be passed validating and confirming the said by-law; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. By-law number 534 of the Municipal Corporation of the Town of Ingersoll, set forth as the Schedule to this Act, is confirmed and declared legal, valid and binding upon the said municipal corporation and the rate-payers thereof, notwithstanding any defect in substance or in form of the said by-law or in the manner of passing the same or otherwise, and the Corporation of the Town of Ingersoll is authorized and empowered to issue debentures as provided by the said by-law, and the said debentures so issued, or to be issued, under the said by-law are declared to be legal and binding upon the said municipality, and the said corporation is authorized and empowered to do all necessary acts for the full and proper carrying out of the said by-law.

By-law 534, granting aid to Tilsonburg, Lake Erie and Pacific Railway, confirmed.

## SCHEDULE.

BY-LAW No. 534

Of the Municipal Corporation of the Town of Ingersoll, in the County of Oxford, to aid the Tilsonburg, Lake Erie and Pacific Railway Company by granting thereto the sum of Twenty Thousand Dollars (20,000.00) by way of bonus, to issue debentures therefore and provide for payment of such debentures by an annual rate to be levied upon the said town.

Whereas, by an Act of the Parliament of Canada, passed in the 53rd year of Her Majesty's reign, and entitled, "An Act to Incorporate the Tilsonburg, Lake Erie and Pacific Railway Company," power is granted to construct and operate a line of railway from a point on Lake Erie in or near the Village of Port Burwell, in the County of Elgin, and passing through the Town of Tilsonburg to some point on the Canadian Pacific Railway at or near the Town of Woodstock or the Town of Ingersoll, in the County of Oxford.

And whereas, the said railway is now constructed and is being operated from the said Village of Port Burwell to the town of Tilsonburg.

And whereas, the said company is authorized to receive from any municipal body who has the power to make such grant aid towards the construction, equipment or maintenance of such railway by way of bonus, gift or otherwise in money or debentures.

And whereas, by the Municipal Act, town municipalities are empowered to pass by-laws for the granting of bonuses to any such Railway Company in aid of such railway and to issue debentures for raising money to meet such bonus.

And whereas, the corporation of the Town of Ingersoll is determined to aid the said company in the construction of the said railway, from its present terminus at the said Town of Tilsonburg to a point on the Canadian Pacific Railway at the said Town of Ingersoll, in the County of Oxford, by granting thereto a bonus of twenty thousand dollars (\$20,000.)

And whereas it will be necessary for the said corporation to raise the sum of \$20,000 and the interest thereon, and a sinking fund to pay the debentures to be issued to raise the said sum of \$20,000 at the expiration of twenty years to be raised by a special rate annually on the whole rateable property of the said town of Ingersoll in the year 1900, and in each of the next nineteen years thereafter succeeding, and the sum so required to be raised in each of the said years to pay the debentures hereinafter authorized to be issued and the interest thereon at three and one-half per cent. per annum is the sum of \$1,444.30.

And whereas the whole amount of the rateable property of the said Town of Ingersoll according to the last revised assessment roll is the sum of \$1,421,550, irrespective of any future increase from the temporary investment of the sinking fund or any part thereof, and the amount of the existing debenture debt of the said town is the sum of \$105,644.00 no part of which or its interest being in arrears, and as against which said debentures the said town has now invested on deposit in the Traders' Bank the sum of \$24,203.65, which said sum is held for the purpose of being applied and paid on said debenture debt as it matures.

And whereas for the paying of the interest on the said debentures which is the sum of \$700 in each year and for creating a sinking fund to pay the said debentures when they mature, which is the sum of \$744.30 in each year, making in all the yearly sum of \$1,444.30, which shall be raised annually on all the rateable property of the said corporation during the year 1900 and each of the next nineteen years thereafter succeeding.

Be

Be it therefore enacted by the municipal corporation of the Town of Ingersoll as follows :

1. When the assent of the electors of the said corporation of the Town of Ingersoll who are entitled to vote thereon has been obtained thereto, and this by-law shall have been finally passed, it shall be lawful for the said corporation, for the purposes aforesaid, to raise the said sum of \$20,000.00 of debentures hereinafter named, and to apply the proceeds of the said debentures for the purpose of paying the said bonus heretofore mentioned.

2. It shall be lawful for the purposes aforesaid for the mayor for the time being of this corporation to make and issue any number of debentures of the said corporation, to be made for any sum not less than one hundred dollars, and not to exceed in all the sum of twenty thousand dollars, which said debentures shall be sealed with the seal of the said corporation, signed by the mayor and countersigned by the treasurer, and shall bear interest at the rate of three and one-half per cent. per annum, such interest to be payable on the 31st day of December, 1900, and each of the next nineteen years to and including the year 1919, and the last of such payments of interest on the 31st day of December, 1919; such debentures shall have coupons attached thereto for the payment of such interest, and they, the said debentures, and the said coupons, and the said interest shall be payable at the office of the treasurer for the said corporation, and the principal of the said debentures shall be payable on the 31st day of December, 1919.

3. It shall be the duty of the Mayor of the said corporation to cause the said debentures to be sold to such person or persons, corporation or company as shall be willing to become purchaser thereof, and the proceeds shall be applied to pay the said bonus aforesaid.

4. For the purpose of paying the principal money and interest of the said debentures there shall be levied and collected annually the sum of \$1,444.30 special rate on all the rateable property in the said corporation in each of the years 1900 to and including the year 1919, over and above all other rates to be levied in any or either of the said years.

5. And be it further enacted that the votes of the electors be taken on this by-law on Wednesday, the 20th day of September, 1899, commencing at nine o'clock in the morning and continuing until five o'clock in the afternoon at the undermentioned places.

*First Division.*

At or near John Ross's office, south Victoria street. James Sinclair, deputy returning officer.

*Second Division.*

At the engine-house, north river Thames. James Crotty, deputy returning officer.

*Third Division.*

At or near Thomas Brown & Son's office. G. K. Brown, deputy returning officer.

*Fourth Division.*

At or near Lots 7 and 8, south of King street. William Ewart, deputy returning officer.

*Fifth Division.*

At or near J. D. Milne's office. J. D. Milne, deputy returning officer.

*Sixth Division.*

At market building, town hall. Charles Cragg, deputy returning officer.

That



That on the 18th day of September, 1899, at the office of the town clerk in the Town of Ingersoll, between the hours of ten A. M. and twelve o'clock noon, the Mayor shall appoint, in writing signed by him, one person to attend at each polling place, on behalf of the persons interested in and desirous of promoting the passing of the by-law, and a like number on behalf of the persons interested in and desirous of opposing the passage of the by-law.

At the said time and place the Mayor shall appoint, in writing, two persons to attend at the final summing up of the votes given for and against the said by-law.

That the Clerk of the said municipal corporation shall attend at his office at the hour of ten o'clock in the forenoon on the 25th day of September, 1899, to sum up the number of votes given for and against the said by-law.]

6. That this by-law shall take effect and come into operation on the 31st day of September, 1899.

That the said company shall not be entitled to have the said money or debentures delivered to them until the said railway is extended and operated from its present terminus at the Town of Tilsonburg to a point at or near the present station of the Canadian Pacific Railway Company at the said Town of Ingersoll, and running as directly as practicable by way of the Townships of Dereham and West Oxford.

Read a first and second time and read in Committee,

Ingersoll, August 18th, 1899.

Read a third time and finally passed October 2nd, 1899.

WALTER MILLS,

Mayor.

[Seal]

W. R. SMITH,

Clerk.

## CHAPTER 60

## An Act respecting the County of Lanark.

*Assented to 22nd May, 1903.*

**W**HEREAS the Municipal Corporation of the County of Lanark has by petition shown that the council of the said corporation in accordance with the provisions of *The Act for the Improvement of Public Highways* passed a by-law designating the highways to be improved and toll roads to be purchased in accordance with the provisions of the said Act and authorizing the issue of debentures to the amount of \$65,000 for the purpose of raising the sum required therefor; and whereas the said municipal corporation has by its said petition prayed for special legislation validating and confirming the by-laws and debentures hereinafter referred to and empowering the said council to make the annual grants hereinafter referred to to the Townships of Montague and Elmsley North within the said county; and whereas it is expedient to grant the prayer of the said petition;

Preamble.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. By-law number 486 of the Corporation of the County of Lanark, set forth as Schedule A to this Act, as amended by By-law number 509, of the said Corporation of the County of Lanark, set forth as Schedule B to this Act, and the said By-law number 509 and all debentures issued or to be issued thereunder are hereby validated, confirmed and declared to be legal and binding upon the said municipal corporation.

By-law No. 486 of County of Lanark, for improvement of public highways.

2. The debentures authorized by the said By-law number 486, may be issued in such amounts and at such times as the moneys may be required for the purposes of the said by-law, and the same and all interest coupons thereto attached may be signed by the Warden of the County at the time of such issue.

Issue debentures.

3. After the expenditure within the Townships of Montague and Elmsley North in the said county of the respective sums mentioned in the said by-law, number 486, as amended by By-law number 509, in accordance with the provisions of

Grants to certain townships for maintenance.

the

the said by-laws, as so amended, the Corporation of the County of Lanark shall grant annually during the currency of the debentures to be issued under said by-laws to each of the said townships for maintenance and repair of the roads therein improved under the terms of the said by-laws, an amount bearing the same proportion to the amount of the revised and equalized assessment of such township, as the total amount, if any, to be expended in maintenance and repair, of the County Highway System bears to the total amount of the revised and equalized assessment of the said county.

Rates for  
payment of  
debentures.

4. The rates to be levied for the payment of the said debentures and the interest thereon, and for maintenance of the said county roads, shall be levied as are other county rates on the local municipalities in the County of Lanark, other than the Town of Smith's Falls, now separated from the said county, according to the revised and equalized assessment of the said county.

Appropriation  
of township  
contributions.

5. There shall be expended in each township municipality not less than the contribution of the said township towards the said \$65,000, in addition to a proportionate amount of the grant from the Province under the said Act, and in the event of any dispute the Assistant Commissioner of Public Works shall be sole arbitrator and his decision shall be final.

Appropriation  
of contribu-  
tion of Village  
of Lanark.

6. The contribution of the Village of Lanark towards the said fund shall be expended on a county road from the Village of Lanark to Sheridan's Rapids in the Township of Dalhousie.

## SCHEDULE A.

(To the Act.)

BY-LAW No. 486.

By-law designating highways to be improved and toll roads to be purchased in accordance with the "Act for the improvement of public Highways" and authorizing the issue of debentures of the County of Lanark to the amount of \$65,000 for the purpose of raising the sum required therefor.

Passed June 28th, A.D. 1902.

Whereas by an Act entitled *An Act for the improvement of Public Highways* the sum of \$1,000,000 was set apart to be paid out of the Consolidated Revenue Fund of the Province of Ontario to aid in the improvement of public highways upon the terms and conditions in the said Act set forth ;

And



And whereas it is desirable that the County of Lanark should participate in the said sum so set apart and for that purpose should adopt a system of County Roads and construct or repair the same in accordance with the regulations of the Public Works Department with respect to highways as in the said Act prescribed ;

And whereas it is necessary to designate the highways to be improved in accordance with the provisions of the said Act ;

And whereas it is desirable to raise the sum of \$65,000 to be applied for the improvement of the said highways and the purchase of certain toll roads ;

And whereas in order thereto, it will be necessary to issue debentures of the said county for the sum of \$65,000 as hereinafter provided which is the debt intended to be created by this By-law ;

And whereas it is desirable to make the principal of the said debt repayable by yearly sums during the period of twenty years, being the currency of the said debentures ; said yearly sums being of such respective amounts that the aggregate amount payable in each year for principal and interest in respect of said debt shall be as nearly as possible equal to the amount so payable in each of the other nineteen years of the said period ;

And whereas the total amount required by the *The Municipal Act* to be raised annually by special rate for paying the said debt and interest as hereinafter provided is a sum sufficient to discharge the instalment of principal and interest accruing due on the said debt for such year as shown in the fourth column of Schedule A hereto annexed ;

And whereas the amount of the whole rateable property of the County of Lanark, according to the last revised and equalized assessment roll, is \$10,531,883 ;

And whereas the existing debenture debt of the said county is the sum of \$20,000 of which no principal or interest is in arrear ;

Therefore the Council of the Corporation of the County of Lanark enacts as follows :

**1.** The toll roads in the County of Lanark which are as follows :

(1) Commencing at the westerly limit of the Town of Perth at the intersection of Dufferin Street in the said town with the boundary line between the Townships of Bathurst and Drummond, thence along the present macadamized road to the southern boundary of the Village of Lanark.

(2) Commencing at the intersection of the Eighth Concession Line of the Township of Bathurst with the said boundary line between the Townships of Bathurst and Drummond, thence westerly along the present toll road to the Village of Fallbrooke in the said Township of Bathurst, and

(3) Commencing at the intersection of the Third Concession Line with the said boundary line between the Townships of Bathurst and Drummond, thence westerly along the Third Concession Line to the end of the present macadamized road, being at or near the side line between lots numbers eighteen and nineteen in the said Third Concession.

Shall be purchased by the said County and freed from tolls, and the same when so purchased shall be assumed by the said County and form part of the County Highway System.

**2** The following highways are hereby designated as the highways to be improved in accordance with the provisions of *The Act for the improvement of Public Highways*, namely :—

(1)

(1) Commencing in the Township of Montague on the road between Smith's Falls and Merrickville, at a point about eight miles distant from the eastern boundary of the Town of Smith's Falls, (and being at or near Kilmarnock) thence northerly, westerly, and again northerly along the said Merrickville road to the said boundary line of the Town of Smith's Falls.

(2) Commencing at the northwestern boundary of the Town of Smith's Falls on the old Perth toll road, thence westerly following the *said* old Perth toll road by way of the Village of Port Elmsley to the eastern boundary of the Town of Perth.

(3) Commencing at the northern boundary of the Town of Perth at the intersection of Drummond Street in the said town with the Third Concession Line of the Township of Drummond, thence northerly along the road commonly known as the Innisville road through the Township of Drummond by way of the Village of Innisville and along the present travelled road through the Townships of Lanark, Ramsay and Beckwith to the western boundary of the Town of Carleton Place.

(4) Commencing on the above mentioned road from Perth to Carleton Place at the intersection of the Third concession line of the Township of Ramsay with the said road, thence northerly and westerly along the present travelled road to the Second concession line and thence north-westerly along the said Second concession line as travelled to the side line between lots numbers 20 and 21.

(5) Commencing at the north-western boundary of the Town of Almonte, thence north-westerly along the Ninth concession line of the Township of Ramsay to the side line between lots numbers 20 and 21, thence westerly along the said side line to the Second concession line.

(6) Commencing on the Ninth concession line of the Township of Ramsay at the intersection of the side line between lots numbers 20 and 21, thence north-westerly along the said Ninth concession line to the boundary line between the Townships of Ramsay and Pakenham, thence north-westerly along the Ninth concession line of the Township of Pakenham to the side line between lots numbers 5 and 6 in the said concession, thence northerly along the present travelled road to the Village of Pakenham, thence north-westerly along the Eleventh concession line to a point at or near lot number 15, where the travelled road turns to the west, thence westerly along the present travelled road to the side line between lots numbers 16 and 17, in the Tenth concession of the said Township of Pakenham.

(7) Commencing at the Southern boundary of the Town of Carleton Place where the Franktown Road intersects the same, thence southerly along the present travelled road leading to Franktown through the Township of Beckwith to the Third concession line of the said township; again commencing at the intersection of the Franktown Road with the Eleventh concession line, thence north-easterly along the said eleventh concession line to the boundary line between the Townships of Beckwith and Goulbourn.

(8) Commencing in the Sixth concession of the Township of South Sherbrooke where the line of the Canadian Pacific Railway Company crosses the present travelled road at or near the Maberly Station of the said railway company, thence north-westerly along the said travelled road through the Village of Maberly to the Eleventh concession line of the said township.

(9) Commencing at the northern boundary of the Village of Lanark, thence northerly along the present travelled road by way of Herron's Mills to the Village of Middleville in the Township of Lanark.

(10) Commencing on the said travelled road between Lanark and Middleville at Herron's Mills, thence northerly and westerly along the present travelled road through the Townships of Lanark and Dalhousie to Watson's Corners.

(11) Commencing at the north-western end of the stone road at or near the Fall river in the Village of Fallbrooke and thence northerly and westerly along the usual travelled road in the Townships of Bathurst and Dalhousie to the Village of McDonald's Corners.

(12) Commencing at the Fourth concession line of the Township of Darling on the present travelled road from Brightside to Tatlock, thence northerly along the said road to Tatlock, thence easterly along the side line between lots numbers 5 and 6 in the 5th and 6th concessions of the said township to the Seventh concession line, thence in a southerly direction along the present travelled road to the boundary line between the Townships of Darling and Lanark at the Eighth concession line.

(13) Commencing on the boundary line between Dalhousie and Lavant Townships on the present travelled road on lot number one in the Sixth concession, thence northerly passing through lots numbers one, two, three, four and five to the Eighth concession line; also commencing on the said boundary line between the aforesaid townships on the present travelled road at lot number one on the Fifth concession passing through lots number one and part two on the Fifth concession in an easterly direction, thence following the present travelled road through Fifth and Fourth concessions of the said township to the division line between lots twelve and thirteen in the said Fourth concession.

(14) Commencing on the boundary line between the Townships of Elmsley and Bathurst at the intersection of the same with the boundary line between the Townships of Bathurst and Drummond, thence westerly along the said boundary line between the townships of Elmsley and Bathurst and Burgess and Bathurst to Grant's Creek, thence southerly along the main travelled road in the Township of Burgess a distance of two miles.

And the said highways when so improved shall, with the Toll Roads purchased as hereinbefore provided, be assumed and maintained by the County and shall form the County Highway System for the County of Lanark.

**3.** The sum of \$65,000 shall be expended by this County in the improvement of the said highways hereinbefore mentioned and the purchase of the said Toll Roads; and for the purpose of raising the said sum debentures of the said county to the amount of \$65,000, in sums of not less than \$100, each shall be issued on the eighteenth day of December, A. D., 1902; each of which debentures shall be dated on the day of the issue thereof and shall be payable within twenty years thereafter.

**4.** Each of the said debentures shall be signed by the Warden of the said county and countersigned by the Treasurer and the Clerk of the said county shall attach thereto the corporate seal of the said corporation.

**5.** The said debt and the debentures issued therefor shall bear interest at the rate of three and three-quarters per cent. per annum from the date thereof, and the said debentures, both as to principal and interest, shall be payable annually on the eighteenth day of December at the Bank of Montreal at the Town of Perth and shall have attached to them coupons for payment of said interest, which coupons shall be signed by the Warden and Treasurer of the said County of Lanark.

**6.** During the currency of the said debentures there shall be raised annually by special rate on all the rateable property in the County of Lanark, the sum required for the purpose of paying the amount due in each of the said years for principal and interest in respect of the said debt as shown in Schedule A hereto annexed.

**7.** This by-law shall take effect upon the final passing thereof.



## SCHEDULE A.

(To above By-law.)

Referred to in the foregoing by-law showing how the amount thereby required to be raised annually by special rate is apportioned.

Year	Principal	Interest	Total
1903	2,200 00	2,437 50	4,637 50
1904	2,300 00	2,355 00	4,655 00
1905	2,400 00	2,268 75	4,668 75
1906	2,500 00	2,178 75	4,678 75
1907	2,600 00	2,085 00	4,685 00
1908	2,700 00	1,987 50	4,687 50
1909	2,800 00	1,886 25	4,686 25
1910	2,900 00	1,781 25	4,681 25
1911	3,000 00	1,672 50	4,672 50
1912	3,200 00	1,560 00	4,760 00
1913	3,300 00	1,440 00	4,740 00
1914	3,400 00	1,316 25	4,716 25
1915	3,500 00	1,188 75	4,688 75
1916	3,700 00	1,057 50	4,757 50
1917	3,800 00	918 75	4,718 75
1918	3,900 00	776 25	4,676 25
1919	4,000 00	630 00	4,630 00
1920	4,200 00	480 00	4,680 00
1921	4,300 00	322 50	4 622 50
1922	4,300 00	161 25	4,461 25

W. A. MOORE,  
County Clerk.

(Signed) W. J. ANDERSON,  
Warden.

## SCHEDULE B.

(To the Act.)

BY-LAW No. 509.

By-law to amend By-law No. 486, entitled, "By-law designating highways to be improved and toll roads to be purchased in accordance with the "Act for the Improvement of Public Highways," and authorizing the issue of debentures of the County of Lanark to the amount of \$65,000, for the purpose of raising the sum required therefor."

Passed February 11th, A.D. 1903.

Whereas, it is desirable to amend By-law No. 486 of this Council by striking thereout the designation of highways within the Townships of Montague and Elmsley North to be improved in accordance with the terms of the said by-law, and to provide in lieu thereof for the payment to each of the said Townships of a certain sum to be expended in the improvement of highways within such Townships.

Therefore the Council of the Corporation of the County of Lanark enacts as follows :

1. By-law No. 486 of this Council is hereby amended by adding to the fourth recital in the preamble to the said By-law the words "and the grants to the Townships hereinafter named "

2. The said By-law No. 486 is hereby further amended by striking thereout subsections 1 and 2 of the 2nd section thereof, and by inserting at the end of the said section the following :

2a. There shall be paid to the Municipal Council of the Township of Montague the sum of \$7,160 to be expended in the improvement, in accordance with the regulations of the Public Works Department, of such roads within the said Township as may be selected by the Council thereof,

thereof, which roads so selected and improved shall not form part of the County Highway System, but shall remain within the jurisdiction and under the control of the Council of the said Township.

2b. There shall be paid to the Municipal Council of the Township of Elmsley North the sum of \$4,000 to be expended in the improvement, in accordance with the regulations of the Public Works Department, of such roads within the said Township as may be selected by the Council thereof, which roads so selected and improved shall not form part of the County Highway System, but shall remain within the jurisdiction and under the control of the Council of the said Township.

3. The third section of the said By-law is hereby amended by inserting after the word "roads," where the same is found therein the words "and the grants to the said Townships of Montague and Elmsley North.

(Signed) W. G. CAMERON,

(Signed) W. A. MOORE,

Warden.

County Clerk.

## CHAPTER 61

## An Act respecting the Lindsay Public Library.

*Assented to 12th June, 1903.*

## Preamble.

WHEREAS the Corporation of the Town of Lindsay, has by petition, represented that Andrew Carnegie of the City of New York has offered the said corporation \$13,000 for the erection of a free public library building, upon the condition that the said corporation will furnish a site therefor, and expend annually a sum of not less than \$1,300 for the maintenance of the same, and that the said corporation has accepted the said offer and desires to use part of what is known as Market or Queen's square in the said town upon which to erect the said library building, and has prayed for authority to accept the said offer and to erect and maintain a library building in the said town and to use part of the said square for that purpose; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Agreement  
with Mr.  
Carnegie  
authorized.

1. The Corporation of the Town of Lindsay is authorized and empowered to accept the offer of the said Andrew Carnegie of \$13,000 and of any additional sum that he may hereafter offer, for the erection of a free public library building in the Town of Lindsay, and to enter into such agreement not inconsistent with the terms of this Act, with the said Andrew Carnegie for the furnishing of a free site for the same and for expending not less than \$1,300 annually for the maintenance of the said library, as shall be approved of by the said Andrew Carnegie and the council of the said corporation.

## Library site.

2. The said corporation may set apart such part of that portion of Market or Queen's square in the said town, owned by the said corporation, north of Kent street and east of Victoria avenue as the council of the said corporation may deem advisable, for the purpose of erecting a public library building thereon, and such part so set apart may be used for public library purposes so long as required for that purpose.



3. The Lindsay Public Library Board is empowered to expend the said gift of the said Andrew Carnegie in the erection upon the said portion of Market or Queen's square in the said Town of Lindsay so set apart such buildings as the said board may deem necessary for the purposes of a free public library and reading room and all other purposes authorized by *The Public Libraries Act*, and for that purpose may enter into all necessary contracts and agreements, so however that the total expenditure to be made for the said purposes shall not exceed the amount of the said gift.

Public Library Board empowered to spend the gift.

Rev. Stat. c. 232.

4. The municipal council of the said corporation, after payment over of the said sum of \$13,000 by the said Andrew Carnegie to the said library board, shall each year raise and levy the sum of \$1,300, (less any revenue that may be received by way of government or municipal grants or from any other sources for the maintenance of the said Free Public Library), by a special rate sufficient therefor, on all the rateable property in the Town of Lindsay, for the maintenance of the said free public library, and such levy shall be considered part of the public library rate referred to in section 14, sub-section 1 of *The Public Libraries Act*.

Town shall raise \$1,300 a year.

Rev. Stat. c. 232.

5. The said public library building shall after erection be under the control and management of the Lindsay Public Library Board, or such other body or persons as may by law from time to time be given the control or management of the public library in the Town of Lindsay.

Control of the building.

## CHAPTER 62

## An Act respecting the Town of Listowel.

*Assented to 12th June, 1903.*

Preamble.

**W**HEREAS the Municipal Corporation of the Town of Listowel has by petition represented that by virtue of a by-law of the said town duly passed in open council on the 10th day of May, 1901, and of an agreement dated the 15th day of May, 1901, with The Listowel Gas and Electric Light Company, Limited, (hereinafter called the company) the said municipal corporation is entitled to purchase from the company all the property of the said company in actual use for electric light purposes only in the Town of Listowel in the manner and upon the terms in the said by-law and agreement set forth; and whereas it has been deemed expedient by the said municipality to avail itself of the right to purchase the said property pursuant to the terms of the said by-law and agreement; and whereas the amount required to be expended in order to effect the said purchase is estimated at about the sum of \$1500; and whereas the said municipal corporation is desirous that power be given to issue debentures of the town for the payment of the purchase price of the said electric light property; and whereas it appears that a majority of the ratepayers entitled to vote on by-laws requiring the assent of electors are in favor of the granting of the powers hereby conferred, and whereas the council of the said municipality has by the said petition prayed that an Act may be passed for the purposes aforesaid; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Town authorized to purchase property of Listowel Gas and Electric Light Co.

1. The Municipal Corporation of the Town of Listowel is empowered and authorized to purchase the property of The Listowel Gas and Electric Light Company in actual use for electric light purposes only in the Town of Listowel pursuant to the provisions of By-law number 391 of the said corporation which said by-law is set forth in the Schedule to this Act.

Power to issue debentures for \$5,000.

2. The said municipal corporation may issue debentures under its corporate seal, signed by the mayor and countersigned

countersigned by the treasurer, for the time being, for such sums, not less than \$100 each, and for such sum not exceeding \$5,000 in the whole as may be found sufficient for the purchase of the said electric light property and incidental expenses, and as the said corporation may by by-law from time to time direct, and the principal sum of the said debentures and the interest thereon may be made payable at such place as the corporation may deem expedient, and may be expressed in either sterling money of Great Britain or currency of Canada.

3. The said municipal corporation may, for the purposes hereinbefore mentioned, raise money by way of loan on the said debentures, or sell and dispose of the said debentures from time to time as it may deem expedient.

Power to raise money on debentures.

4. The said debentures shall be made payable in not more than five years from the date of the issue thereof. Coupons shall be attached to the said debentures for the payment of the interest thereon, and such interest shall be payable at such rate, not exceeding four per centum per annum, as the said corporation shall direct, and shall be payable yearly.

Form of debentures.  
Interest coupons.

5. A portion of the said debentures to be issued under this Act shall be made payable in each year for a period not exceeding five years from the date of the issue thereof, so that the aggregate amount to be levied and payable for principal and interest in any one year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of the period within which the said debenture debt is to be discharged.

Payment of debt in annual instalments.

6. It shall not be necessary to obtain the assent of the electors of the said town for the passing of any by-law which shall be passed under the provisions of this Act, or to observe the formalities in relation thereto prescribed by *The Municipal Act*, and any provisions in the Acts respecting municipal institutions in the Province of Ontario which are or may be inconsistent with the provisions of this Act, or any of them, shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act.

Assent of electors not required.  
Rev. Stat. 223.

7. No irregularity in the form of the said debentures or any of them, or of any by-law authorizing the issuing thereof shall render the same invalid or illegal, or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of the said debentures and interest thereon, or any or either of them, or any part thereof, and a purchaser or holder thereof shall not be bound to enquire as to the necessity of passing such a by-law or issue of debentures, or as to the application of the proceeds thereof.

Irregularity of form not to invalidate.

## SCHEDULE



## SCHEDULE A.

## BY-LAW NO. 391 OF THE TOWN OF LISTOWEL.

## A By-Law for the purpose of Providing Electric Street Lighting for the Town of Listowel.

Whereas, the Listowel Gas and Electric Company, Limited, has made application for the Electric Light franchise of the Town of Listowel, therefore the Municipal Council of the Corporation of the Town of Listowel, enacts as follows, pursuant to the powers vested in them by 55 Victoria, chapter 42, section 480, and other statutes, them thereunto enabling :

1. That the said Corporation grant to the Listowel Gas and Electric Light Company, Limited, a franchise, or right, for a period of six and one-half years, from the first day of June, A.D., 1901, to place poles on the public streets of the said Town, string wires and do all other necessary acts for the successfully operating an electric light plant.

2. That the Council of the said Corporation also grant to the said Listowel Gas and Electric Light Company, Limited, the right to cut through the tops of the trees for the electric light wires, such cutting to be done not less than twenty-four feet from the ground, under the supervision of a Committee of the Council, duly appointed, but in no instance shall such cutting be allowed to such an extent as to permanently injure any tree or destroy the appearance of any tree.

3. The Council of the said Corporation also grant to the said Listowel Gas and Electric Light Company, Limited, the sum of \$45.48 for each Arc Lamp per year, on the said streets of Listowel, and there shall be 25 Arc Lamps on the said streets, or more, if the Corporation by resolution of the Council, so orders them, such lamps to be the same price, namely \$45.48 per year ; this to continue for six and one-half years from the first day of June, 1901, payable quarterly, on the first day of March, June, September and December in each year ; the first payment to be due and to be paid on the first day of September, 1901.

4. The following grants are made, subject to the following conditions :

5. That the said Listowel Gas and Electric Light Company, Limited, shall place on the streets of the said Town of Listowel, on poles now erected, or to be erected as directed by the Committee of the Council, 25 enclosed Arc Lamps of the type, and equal in every respect to the lamps now hung at the Grand Central Hotel corner, and to be of strength equal to 8 amperes, or nominal 2000 candle power.

6. That all the Arc Lamps shall be burning 300 night in the year. The exempt nights shall be bright moonlight nights only.

7. That such Arc Lights shall be run from sunset until 12 o'clock midnight.

8. That the said Listowel Gas and Electric Light Company, Limited, shall furnish power for three Incandescent Lamps, sixteen candle power in the council chamber of the Town of Listowel for the use of the Council and School Board, free of charge, such lights to burn on Council meeting or School Board meeting nights and on such other occasions as the Council requires the same for Town purposes, and that all wires shall be strung so as not to cause any increase in the rate of insurance to any ratepayer.

9. The said Council shall have the right to deduct 15 cents per night for each Arc Lamp that is not burning between the hours from 7 to 10 o'clock, P.M. during the months from October 1st to March 31st and from 8 to eleven P.M. from April 1st to September 30th, being a part of the 300 nights on which the lamps are to be burning. The said Listowel Gas and Electric Light Company, Limited, agrees to use due diligence to keep all lights continuously burning from the hour of starting up until closing time.

10. That the said Listowel Gas and Electric Light Company, Limited, shall sell the said Electric Light plant to the Corporation of the Town of Listowel, at a fair price, providing the Corporation shall hereafter decide to purchase the same, but in such case the Corporation shall take all property connected with the Electric Light plant; such properties shall consist of the properties in actual use for Electric Light purposes only in the Town of Listowel at the time of such purchase, and if the price or value of such plant cannot be agreed upon it shall be left to arbitration, in which case one arbitrator is to be appointed by the Corporation of the Town of Listowel, and one by the said Listowel Gas and Electric Light Company, Limited, and in case of a disagreement such two arbitrators are to appoint a third and the decision of two of such arbitrators shall in that case be final.

11. All poles on the street shall be peeled and painted and the poles shall be placed where directed by the Committee appointed by the Council and shall be placed sufficiently close to safely carry the electric light wires and fixtures for the successful lighting of the town and business places, all wires to be properly insulated and protected according to the underwriters' regulations.

12. All disputes between the said Corporation and the said Listowel Gas and Electric Light Company, Limited, as to the rights and privileges granted to and regarding the duties and obligations of the said Listowel Gas and Electric Light Company, Limited, herein set unto shall be left to the decision of two expert electricians, one to be chosen by the Municipal Council and the other to be chosen by the Listowel Gas and Electric Light Company, Limited, and if necessary these two shall choose a third and the decision of two of such arbitrators shall be final.

JOHN WATSON,  
Mayor. (Seal.)  
WILLIAM BRIGHT,  
Clerk.

Passed this 10th day of May,  
A.D. 1901, at the hour of 9.50.

I, John C. Hay, President of the Listowel Gas and Electric Light Company, Limited, of the Town of Listowel in the County of Perth and the Province of Ontario, Electrician, being the party referred to in the above By-law, to whom the electric light franchise is by said By-law, granted, do hereby accept the same on the terms, conditions and privileges therein embodied.

JOHN C. HAY,  
President and Secretary.

Dated at Listowel this  
15th day of May, A.D. 1901.

(Corporate Seal.)

## CHAPTER 63.

## An Act respecting the City of London.

*Assented to 22nd May, 1903.*

## Preamble.

WHEREAS the Corporation of the City of London has by its petition, prayed for special legislation in respect of the several matters hereinafter set forth; and whereas none of the by-laws in Schedules A and D hereto have been moved against, nor any proceedings taken to quash or set aside the same, nor have any objections been made to any of the said by-laws; and whereas no opposition has been offered to the confirmation of the said by-laws; and whereas it has been made to appear that there is urgent and immediate need in the said city for increased protection from fire, and representations to that effect have been made by the Fire Writers Association and the Board of Trade of London; and whereas it has been further made to appear that additional accommodation is immediately required for the proper carrying on of the work of the Victoria Hospital in the said city; and whereas it is represented that any delay in the said matters might be attended with very serious consequences; and whereas the circumstances are entirely exceptional; and whereas it is expedient to grant the prayer of the said petitioners;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

By-law No.  
2119 for stop-  
ping up Tra-  
falgar Street  
and William  
Street  
confirmed.

1. By-law number 2119, of the Corporation of the City of London, for stopping up parts of Trafalgar Street and William Street in the City of London, and selling and conveying the same to the owners of the lands fronting thereon, passed on the 6th day of October, 1902, which by-law is set out as Schedule A hereto, is confirmed and declared to be legal, valid and binding according to the true intent and meaning thereof.

Conveyance  
from City to  
Rolling Mills  
Co. confirmed.

2. A certain conveyance, bearing date the first day of December, 1902, made between the Corporation of the City of London of the first part, and The London Rolling Mills Company, Limited, of the second part, which conveyance is set out as Schedule B hereto, is confirmed and declared to be legal, valid and binding according to the true intent and meaning thereof.



3. A certain conveyance bearing date the first day of December, 1902, made between the Corporation of the City of London of the first part and The McClary Manufacturing Company of the second part, which conveyance is set out as Schedule C hereto, is confirmed and declared to be legal, valid and binding according to the true intent and meaning thereof.

Conveyance from City to McClary Mfg. Co. confirmed.

4. The by-laws of the Corporation of the City of London specified in Schedule D hereto, and all debentures issued, or to be issued thereunder, and all assessments made, or to be made, for payment thereof, are confirmed and declared to be to be legal, valid and binding.

Certain money by-laws confirmed.

5. Notwithstanding the provisions of any Act or law the Corporation of the City of London may borrow, for any period not exceeding thirty years, such sum, not exceeding \$25,000, as to the council thereof may seem meet, for the purpose of paying for certain contemplated alterations to Victoria Hospital, and of erecting on the site of the said Victoria Hospital an additional building to provide greater accommodation for the said hospital, and may pay and apply the same accordingly.

Power to borrow \$25,000 for improvements at Victoria Hospital.

6. Notwithstanding the provisions of any Act or law, the Corporation of the City of London may borrow, for any period not exceeding thirty years, such sum not exceeding \$15,000, as to the council thereof may seem meet, for the purchase of one or more fire engines and for paying for certain contemplated alterations in the Central Fire Hall in the said city, and may pay and apply the same accordingly.

Power to borrow \$15,000 for fire hall and engines.

7. It shall not be necessary that any by-law for the purposes mentioned in the two next preceding sections hereof shall be submitted to or receive the assent of the ratepayers of the said city, but all the other provisions of *The Municipal Act* which are applicable and which are not inconsistent with the provisions of this Act shall apply to such by-law.

Assent of electors not required.

Rev. Stat. c. 223.

8. The debentures issued for any of the purposes mentioned in sections 5 and 6 hereof may bear such rate of interest, not exceeding five per cent per annum, as the council of the corporation of the said city may determine.

Rate of interest on debentures.

9. No irregularity in the form of the debentures issued under the authority of this Act, or any by-law authorizing the issue thereof, shall render the same invalid or be allowed as a defence to any action against the Corporation of the City of London for the recovery of the amount thereof, or interest thereon, or any part thereof.

Informalities not to invalidate debentures.

36 V. c. 102  
s. 44 repealed.

10. Section 44 of *The London Waterworks Act, 1873*, is repealed and the following section substituted therefor;—

Term of office  
of water  
commissioners

44. The two Water Commissioners now elected shall hold office until the first Monday in January next following their election. One of the commissioners elected at the next annual election of commissioners (to be determined by lot at the first meeting of the commissioners after their election, which determination shall be entered upon the minutes) shall retire from office at the time appointed for the next following annual election of commissioners, and the other commissioner elected at the next annual election of commissioners shall continue in office one year longer and then retire. At the next following annual election of commissioners, and thereafter, one commissioner only shall be elected annually, and shall continue in office for two years. All commissioners shall be elected at the same time, and in the same manner, as aldermen; and all the provisions and remedies of *The Municipal Act* at any time in force with respect to aldermen shall apply in all particulars not inconsistent with this Act to the said commissioners, as to election, unseating, filling vacancies, grounds of disqualification and otherwise.

## SCHEDULE A.

### BY-LAW No. 2119.

For stopping up parts of Trafalgar Street and William Street, in the City of London, and selling and conveying the same to the owners of the lands fronting thereon.

Whereas an application has been made to the Municipal Council of the Corporation of the City of London to stop up the portions of Trafalgar street and William street, in the City of London, hereinafter described, and for the sale and conveyance of the same to the owners of the lands fronting thereon;

And whereas printed notices of this intended by-law in this behalf have been posted up for one month and upwards previously to the passing of this by-law, in six of the most public places in the neighborhood of the said portion of the said streets, and such notice has also been published weekly for four consecutive weeks in the Advertiser, a daily newspaper published in the said City of London;

And whereas the council of the said corporation has heard all persons whose lands might be prejudicially affected thereby, and who have petitioned to be so heard;

Be it therefore enacted by the municipal council of the Corporation of the City of London as follows:—

1st. That from and after the passing of this by-law that portion of Trafalgar street, in the said City of London which lies between the westerly limit of Adelaide street and a point where the dividing line between Lots numbers three and four, on the north side of Trafalgar street aforesaid, according to registered plan number 45, would cross Trafalgar street aforesaid if produced in a straight line southerly, shall

be

be stopped up and forever closed, and cease to be or form part of the highway or street aforesaid, or to be a highway, and the said portion of the said street so closed shall be granted and conveyed by the said the Corporation of the City of London as hereinafter provided.

2nd. That from and after the passing of this By-law that portion of William street, in the said City of London, which lies between the northerly limit of Trafalgar street and a point where the southerly limit of Philip street would cross William street aforesaid, if produced in a straight line easterly, shall be stopped up and forever closed, and cease to be or form part of the highway or street aforesaid, or to be a highway, and the said portion of the said street so closed shall be granted and conveyed by the said the Corporation of the City of London as hereinafter provided.

3rd. Upon payment of the sum of one dollar by the London Rolling Mills Company (Limited), of the said City of London, and the McClary Manufacturing Company, of the said City of London, the persons owning the adjacent lands, first entitled thereto, within three months from the passing of this by-law, to the treasurer of the Corporation of the said City, for the use thereof, the mayor of the said city may execute a conveyance in fee simple of the said parts of the said streets, so stopped up and closed, and affix the corporate seal of the said city thereto, conveying the said parts of the said streets in fee simple as follows, that is to say:—To the said The London Rolling Mills Company (Limited) and their successors forever, that portion of Trafalgar street aforesaid which lies between the point where the dividing line between said lots number three and four, on the north side of Trafalgar street aforesaid, according to registered plan number 45, would cross Trafalgar street aforesaid, if produced in a straight line southerly and a point where the dividing line between lots numbers twenty-six and twenty-seven, on the north side of Trafalgar street would cross Trafalgar street aforesaid if produced in a straight line southerly; and also the said portion of William street so stopped up; but the conveyance shall contain this condition and reservation, that in the event of the said portions of the said streets, or either of them, ceasing to be used at any time hereafter by the said company, and their successors and assigns, for manufacturing purposes, or other purposes of their business, the said sale and conveyance shall thereupon become and be void, and the council of the Corporation of the City of London shall be at liberty to open up the said lands and declare the same to be a highway or high ways without any compensation to the said The London Rolling Mills Company (Limited), their successors or assigns, therefor; and subject to and reserving to the Corporation of the City of London, and their successors, the right at any and all times hereafter to grant to any person, firm or company which may operate a belt line, or to the London and Port Stanley Railway Company, or other railway company, a right of way over and upon so much of the said streets or portions of streets so stopped up as aforesaid, as may be necessary or expedient for a belt line or other railway line, switch or spur, the location of such right of way west of Adelaide street being shown on the map or blue print prepared by Owen McKay, chief engineer, which is hereto annexed marked "A" by the lines marked "Proposed Belt Line," and subject to and reserving to the Corporation of the said City of London the right also from time to time, and at all times hereafter, to operate the said portion of the railway or any other railway over the said portions of the said street, provided, however, that cars shall not be stored on the said right of way so as to prevent the reasonable use of the same by the said The London Rolling Mills Company, The McClary Manufacturing Company, and other parties entitled thereto; and conveying to the said The McClary Manufacturing Company, their successors and assigns forever, the remaining portion of Trafalgar street so stopped up as aforesaid; but the conveyance to the said The McClary Manufacturing Company shall contain this condition and reservation, that in the event of the said portion of the said street

ceasing



ceasing to be used at any time hereafter by the said company, and their successors or assigns, for manufacturing purposes or other purposes of their business, the said sale and conveyance shall thereupon become and be void, and the council of the Corporation of the City of London shall be at liberty to open up the said lands and declare the same to be a highway without any compensation to the said The McClary Manufacturing Company, their successors or assigns, therefor; and subject to and reserving to the Corporation of the City of London, and their successors, the right at any and all times hereafter to grant to any person, firm or company which may operate a belt line, or to The London and Port Stanley Railway Company, or other railway company, a right of way over and upon so much of the said streets or portions of streets so stopped up as aforesaid, as may be necessary or expedient for a belt line, or other railway line, switch or spur, the location of such right of way west of Adelaide street being shown on the map or blue print prepared by Owen McKay, chief engineer, which is hereto annexed marked "A" by the lines marked "Proposed Belt Line," and subject to and reserving to the Corporation of the City of London the right also from time to time, and at all times hereafter, to operate the said portion of the railway, or any other railway, over the said portions of the said street, provided, however, that cars shall not be stored on the said right of way so as to prevent the reasonable use of the same by the said The London Rolling Mills Company, The McClary Manufacturing Company, and other parties entitled thereto.

Passed in open council this sixth day of October, A. D. 1902.

(Sgd). A. BECK,  
Mayor.

(Sgd). C. A. KINGSTON,  
Clerk.

(Seal)

### SCHEDULE B.

This Indenture made in duplicate the first day of December, A.D. 1902, in pursuance of the Act respecting Short Forms of Conveyances, of *The Municipal Act*, and of By-law Number 2119 of the Corporation of the City of London, passed on the sixth day of October, A.D. 1902, between the Corporation of the City of London, of the first part, and the London Rolling Mills Company, Limited, of the said City of London, of the second part;

Whereas the Corporation of the City of London have, by their By-law Number 2119, passed on the sixth day of October, A.D. 1902, enacted that the portions of Trafalgar street and William street hereinafter mentioned, and hereby conveyed, and another portion of Trafalgar street, should be stopped up and forever closed, and cease to be or form part of the highways or streets aforesaid, or to be a highway, and authorized the mayor of the said city, on payment to the treasurer of the Corporation of the City of London of the sum of one dollar within three months from the passing of the said by law, to execute a deed of Conveyance from the said parties of the first part to the said parties of the second part, their successors and assigns, in fee simple, of the lands and premises hereinafter described, but upon and subject to the condition and reservation that, in the event of the said portions of the said streets, or either of them, ceasing to be used at any time hereafter by the said parties of the second part, their successors and assigns, for manufacturing purposes, or other purposes of their business, the said sale and conveyance shall thereupon become and be void, and the council of the Corporation of the City of London, shall be at liberty to open up the said lands, and declare the same to be a highway or highways, without any compensation to the said parties of the Second Part, their successors or assigns, therefor:

and

and subject to and reserving to the Corporation of the City of London and their successors, the right at any and all times hereafter to grant to any person, firm or company which may operate a belt line, or to the London and Port Stanley Railway Company, or other railway company, a right of way over and upon so much of the said streets, or portions of streets, hereby conveyed, as may be necessary or expedient for a belt line, or other railway line, switch or spur, the location of such right of way west of Adelaide street being shown on the map or blue print prepared by Owen McKay, chief engineer, a true copy of which is hereto annexed marked A by the lines marked "Proposed Belt Line;" and subject to and reserving to the corporation of the said City of London the right also, from time to time, and at all times hereafter, to operate the said portion of the said railway, or any other railway, over the said portions of the said streets hereby conveyed, provided, however, that cars shall not be stored on the said right of way so as to prevent the reasonable use of the same by the said parties of the second part, The McClary Manufacturing Company, and other parties entitled thereto.

And whereas the said parties of the second part did, within three months after the passing of the said by-law, pay to the treasurer of the said Corporation of the City of London the said sum of one dollar, and have requested the said parties of the first part to execute this Indenture for the purpose of conveying to them the said lands, as provided by the said by-law.

Now this Indenture witnesseth that the said parties of the first part, in consideration of the premises, and of the said sum of one dollar, so paid as aforesaid, and in pursuance of the said by-law, do grant unto the said parties of the second part in fee simple all and singular those certain parcels or tracts of land and premises, situate, lying and being in the said City of London, being composed of that portion of Trafalgar street aforesaid which lies between the point where the dividing line between lots numbers three and four, on the north side of Trafalgar street aforesaid, according to registered plan number 45, would cross Trafalgar street aforesaid if produced in a straight line southerly and a point where the dividing line between lots numbers twenty-six and twenty-seven, on the north side of Trafalgar street, would cross Trafalgar street aforesaid if produced in a straight line southerly; and also that portion of William street aforesaid which lies between the northerly limit of Trafalgar street and a point where the southerly limit of Philip street would cross William street aforesaid, if produced in a straight line easterly, reserving, however, to the parties of the first part, and their successors, the right, at any and all times hereafter, to grant to the McClary Manufacturing Company, and to any person, firm or company which may operate a belt line, and to the London and Port Stanley Railway Company, or other railway company, or any or either of them, a right of way over and upon so much of the said streets, or portions of streets, hereby conveyed, as may be necessary or expedient for a belt line, or other railway line, switch or spur, the location of such right of way west of Adelaide street being shown on the map or blue print prepared by Owen McKay, chief engineer, a true copy of which is hereto annexed marked A by the lines marked "Proposed Belt Line"; and subject to and reserving to the corporation of the said City of London the right also, from time to time, and at all times hereafter, to operate the said portion of the said railway, or any other railway, over the said portions of the said streets hereby conveyed, provided, however, that cars shall not be stored on the said right of way so as to prevent the reasonable use of the same by the said parties of the second part, The McClary Manufacturing Company, and other parties entitled thereto.

To have and to hold unto the said parties of the second part, their successors and assigns, to and for their sole and only use forever, subject nevertheless to the reservations, limitations, provisoes and conditions contained in the said by-law, and subject to, and reserving to the said parties of the first part, and their successors, the right, at any and

all

all times hereafter, to grant to the McClary Manufacturing Company, and to any person, firm or company which may operate a belt line, and to the London and Port Stanley Railway Company, or other railway company, or any or either of them, a right of way over and upon so much of the said streets, of portions of streets, hereby conveyed, as may be necessary or expedient for a belt line, or other railway line, switch or spur, the location of such right of way west of Adelaide street being shown on the map or blue print prepared by Owen McKay, chief engineer, a true copy of which is hereto annexed marked A by the lines marked "Proposed Belt Line"; and subject to and reserving to the said parties of the first part, and their successors, the right also, from time to time, and at all times hereafter, to operate the said portion of the said railway, or any other railway, over the said portions of the said streets hereby conveyed, provided, however, that cars shall not be stored on the said right of way so as to prevent the reasonable use of the same by the said parties of the second part, The McClary Manufacturing Company, and other parties entitled thereto;

Provided always and these presents are upon the express condition that if the said parties of the second part, their successors or assigns, shall at any time hereafter cease to use the lands hereby conveyed, or either parcel thereof, for manufacturing purposes, or other purposes of their business, then these presents shall be void, and the council of the said corporation shall be at liberty to open up and declare to be a highway, or highways, the said lands hereby conveyed, or such parcel thereof as shall cease to be used by the said parties of the second part for manufacturing purposes, or other purposes of their business, as aforesaid, without any compensation to the said parties of the second part, their successors or assigns, therefor anything herein contained to the contrary notwithstanding.

In witness whereof the corporate seal of the Corporation of the City of London, and the hand of the mayor of the said city have been hereunto set the day and year first above written.

Signed, sealed and delivered in  
the presence of

(Signed)

C. A. KINGSTON.

(Signed)

A. BECK,

Mayor. (Seal)

### SCHEDULE C.

This Indenture made in duplicate the first day of December, A. D. 1902, in pursuance of the Act respecting Short Forms of Conveyances, of the Municipal Act, and of By-law Number 2119 of the Corporation of the City of London, passed on the sixth day of October, A.D. 1902, between the Corporation of the City of London, of the first part, and The McClary Manufacturing Company, of the said City of London, of the second part.

Whereas the Corporation of the City of London have, by their By-law Number 2119, passed on the sixth day of October, A.D. 1902, enacted that the portion of Trafalgar street hereinafter mentioned, and hereby conveyed, and another portion of Trafalgar street, and a portion of William street, should be stopped up and forever closed, and cease to be or form part of the highways or streets aforesaid, or to be a highway, and authorized the mayor of the said city, on payment to the treasurer of the Corporation of the City of London of the sum of one dollar within three months from the passing of the said by-law, to execute a deed of conveyance from the said parties of the first part to the said parties of the second part, their successors and assigns, in fee simple, of the lands and premises hereinafter described, but upon and subject to the condition

and



and reservation that, in the event of the said portion of the said street ceasing to be used at any time hereafter by the said parties of the second part, their successors and assigns, for manufacturing purposes, or other purposes of their business, the said sale and conveyance shall thereupon become and be void, and the council of the corporation of the City of London shall be at liberty to open up the said lands, and declare the same to be a highway, without any compensation to the said parties of the second part, their successors or assigns, therefor; and subject to and reserving to the Corporation of the City of London, and their successors, the right, at any and all times hereafter, to grant to any person, firm or company which may operate a belt line, or to the London and Port Stanley Railway Company, or other railway company, a right of way over and upon so much of the said street, or portion of street, hereby conveyed, as may be necessary or expedient for a belt line, or other railway line, switch or spur, the location of such right of way west of Adelaide street being shown on the map or blue print prepared by Owen McKay, chief engineer, a true copy of which is hereto annexed marked "A" by the lines marked "Proposed Belt Line"; and subject to and reserving to the Corporation of the said City of London the right also, from time to time, and at all times hereafter, to operate the said portion of the said railway, or any other railway, over the said portion of the said street hereby conveyed, provided, however, that the cars shall not be stored on the said right of way so as to prevent the reasonable use of the same by the said parties of the second part, The London Rolling Mills Company, Limited, and other parties entitled thereto.

And whereas the said parties of the second part did, within three months after the passing of the said by-law, pay to the treasurer of the said Corporation of the City of London, the said sum of one dollar, and have requested the said parties of the first part to execute this Indenture for the purpose of conveying to them the said lands, as provided by the said by-law.

Now this indenture witnesseth that the said parties of the first part, in consideration of the premises, and of the said sum of one dollar, so paid as aforesaid, and in pursuance of the said by-law, do grant unto the said parties of the second part, in fee simple, ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the said City of London, being composed of that portion of Trafalgar street, aforesaid, which lies between the westerly limit of Adelaide street, and a point where the dividing line between lots numbers twenty-six and twenty-seven, on the north side of Trafalgar street, would cross Trafalgar street, aforesaid, if produced in a straight line southerly, reserving, however, to the parties of the first part, and their successors, the right, at any and all times hereafter, to grant to The London Rolling Mills Company, Limited, and to any person, firm or company which may operate a belt line, and to the London and Port Stanley Railway Company, or other railway company, or any or either of them, a right of way over and upon so much of the said street, or portion of street, hereby conveyed, as may be necessary or expedient for a belt line, or other railway line, switch or spur, the location of such right of way west of Adelaide street being shown on the map or blue print prepared by Owen McKay, chief engineer, a true copy of which is hereto annexed marked "A" by the lines marked "Proposed Belt Line;" and subject to and reserving to the corporation of the said City of London the right also, from time to time, and at all times hereafter, to operate the said portion of the said railway, or any other railway, over the said portion of the said street hereby conveyed, provided, however, that cars shall not be stored on the said right of way so as to prevent the reasonable use of the same by the said parties of the second part, The London Rolling Mills Company, Limited, and other parties entitled thereto.

To have and to hold unto the said parties of the second part, their successors and assigns, to and for their sole and only use forever, subject nevertheless

nevertheless to the reservations, limitations, provisoes and conditions contained in the said by-law, and subject to, and reserving to the said parties of the first part, and their successors, the right, at any and all times hereafter, to grant to the London Rolling Mills Company, Limited, and to any person, firm or company which may operate a belt line, and to the London and Port Stanley Railway Company, or other railway company, or any or either of them, a right-of-way over and upon so much of the said street, or portion of street, hereby conveyed, as may be necessary or expedient for a belt line, or other railway line, switch or spur, the location of such right of way west of Adelaide street being shown on the map or blue print prepared by Owen McKay, chief engineer, a true copy of which is hereto annexed, marked "A" by the lines marked "Proposed Belt Line;" and subject to and reserving to the said parties of the first part, and their successors, the right also, from time to time, and at all times hereafter, to operate the said portion of the said railway, or any other railway, over the said portion of the said street hereby conveyed, provided, however, that cars shall not be stored on the said right of way so as to prevent the reasonable use of the same by the said parties of the second part, The London Rolling Mills Company, Limited, and other parties entitled thereto.

Provided always, and these presents are upon the express condition that if the said parties of the second part, their successors or assigns, shall at any time hereafter cease to use the lands hereby conveyed, for manufacturing purposes, or other purposes of their business, then these presents shall be void, and the council of the said corporation shall be at liberty to open up and declare to be a highway the said lands hereby conveyed, without any compensation to the said parties of the second part, their successors or assigns, therefor, anything herein contained to the contrary notwithstanding.

In Witness whereof the corporate seal of the Corporation of the City of London, and the hand of the mayor of the said city, have been hereunto set the day and year first above written.

Signed, Sealed and Delivered }  
In the presence of  
(Sgd.) C. A. KINGSTON. }

(Sgd.) A. BECK, [Seal]  
Mayor.

## SCHEDULE D.

List of By-laws providing for the issue of debentures, passed by the council of the Corporation of the City of London on the Twenty-sixth day of December, A.D. 1902, the particulars of which are set out below :—

1. By-law Number 2134, to provide for raising moneys to pay for the construction of cement sidewalks, therein referred to, and to levy the rates to meet the debentures to be issued therefor.

2. By-law Number 2135, to provide for raising moneys to pay for the construction of tile sewers, therein referred to, and to levy the rates to meet the debentures to be issued therefor.

3. By-law Number 2136, to provide for raising moneys to pay for the construction of macadam pavements, therein referred to, and to levy the rates to meet the debentures to be issued therefor.

4. By law Number 2137, to consolidate the several issues of the debentures referred to in the said By-laws Numbers 2134, 2135 and 2136, and to provide for raising by debentures the city's share of the cost of the improvements in the said by-laws mentioned, which is to be raised by special rate.

## CHAPTER 64.

## An Act respecting the Township of Machar.

*Assented to 12th June, 1903.*

**W**HEREAS the Corporation of the Township of Machar Preamble,  
has by petition represented that there is no grist mill in operation in the said township and that it is necessary and desirable in the interest of the inhabitants of the said township that a grist mill of sufficient capacity to supply the requirements of the inhabitants should be established in a convenient locality in the township; that there is an admirable water power at South River for the operation of a grist mill, and that it is desirable to encourage the construction and operation of a grist mill as aforesaid by the exemption of the lands, buildings, plant and machinery of such mill from taxation; and whereas the said municipal corporation has further represented that the raising of sheep is an important industry in the said township and that the development and encouragement of sheep raising would be of great benefit to the inhabitants thereof, but that owing to there being no local market for wool the said industry has not hitherto proved profitable; and whereas the said municipal corporation has prayed that power may be given to exempt from municipal taxation, and from school taxation for a period of ten years, the lands, buildings, plant and machinery which may be required for the operation of a grist mill and a woollen mill in the said township; and whereas the circumstances of the case are entirely exceptional; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Municipal Council of the Corporation of the Township of Machar may pass a by-law for exempting a grist mill of the capacity of not less than one hundred and twenty-five barrels per day of twenty-four hours to be established in said township together with the lands which may be used in connection therewith and all buildings, plant and machinery placed thereon or therein or connected therewith from municipal taxes, including all school taxes for a period of ten years from the date of the passing of such by-law; and the Exemption of grist mill authorized.  
said



said corporation may enter into an agreement with any person for the erection and operation of such grist mill and for the exemption of the same from taxation in accordance with the terms of this Act.

Exemption of  
woollen mill  
authorized.

2. The said municipal council may pass a by-law exempting a woollen mill to be established in the said township together with the lands which may be used in connection therewith, and all the buildings, plant and machinery placed therein and connected therewith from all municipal taxes, including all school taxes for a period of ten years from the date of the passing of such by-law; and the said corporation may enter into an agreement with any person for the erection and operation of such woollen mill and for the exemption of the same from taxation in accordance with the terms of this Act.

Assent of  
electors not  
required.

3. It shall not be necessary to obtain the consent of the ratepayers of the said township to the passing of the said by-laws mentioned in sections 1 and 2 of this Act or either of them.

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## CHAPTER 65.

An Act respecting the assessment of the property of  
Chew Brothers in the Town of Midland.

*Assented to 12th June, 1903.*

**W**HEREAS by the petition of Chew Brothers, of the Town Preamble.  
of Midland, it is made to appear that in the year  
1894 certain negotiations took place between the Council of  
the Town of Midland and the said Chew Brothers, then  
carrying on a lumbering business in the said town, with a  
view to the said Chew Brothers enlarging and practically  
rebuilding their mill in the said town and that the said negotia-  
tions resulted in an agreement between the said council and  
the said Chew Brothers that if they, the said Chew Brothers,  
would rebuild their mill and would operate it to its full  
capacity during a period of ten years that the assessment of  
the said mill property within the Town of Midland should  
be fixed during the said period at the sum of \$2,000 ; and  
whereas in and by the said petition it is further represented  
that on the third day of October, 1894, at a meeting of the  
council of the Town of Midland a resolution was passed  
fixing the assessment of the said property at \$2,000, pursuant  
to the terms of the said agreement, for a period of ten years  
beginning with the year 1895, and that relying upon the said  
agreement and resolution, the said Chew Brothers greatly  
enlarged their said mill and practically rebuilt the same and  
expended large sums of money thereon, and since the year  
1894 have continuously operated the same to its full capa-  
city ; and whereas it is further shown in and by the said  
petition that the said property was assessed pursuant to the  
said agreement at \$2,000 during the years 1895, 1896, 1897,  
1898 and 1899, and, with the assent and concurrence of the  
said Chew Brothers, at the sum of \$4,000 for the years 1900  
and 1901, but that in the year 1902, the assessor of the said  
town assessed the said property at the sum of \$22,000 which  
said assessment was subsequently reduced by appeal to the  
Court of Revision, to the sum of \$20,000 ; and whereas the  
statements alleged in the said petition have been satisfactorily  
established and the case appears to be that of an agreement  
existing at the time of the amendment of *The Municipal Act*  
requiring the assent of the electors in such cases ; and where-  
as the said Chew Brothers have by their said petition prayed  
that an Act may be passed giving them the benefit of the  
agreement

agreement entered into by them with the said municipal corporation and acted upon by both parties aforesaid ; and whereas it is expedient that effect should be given as far as possible to the said agreement and to the prayer of the said petition.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Assessment  
fixed for 1903-  
1905.

1. The assessment of the said property of the said Chew Brothers, being the mill-yard and buildings connected with and used by the said Chew Brothers in their business, within the Town of Midland, is fixed for all purposes, including school rates, at the sum of \$2,000 for the years 1903 1904, and 1905.

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## CHAPTER 66.

An Act respecting the assessment of the property of  
James Playfair in the Town of Midland.*Assented to 12th June, 1903.*

WHEREAS by the petition of James Playfair of the Town of Midland it is made to appear that in the year 1894 certain negotiations took place between the Municipal Corporation of the Town of Midland and the said Playfair, then a lumberman carrying on business at Sturgeon Bay in the Township of Tay, a point remote from the Town of Midland, with a view to inducing the said James Playfair to acquire the property then known as the British Canadian Mill, in the Town of Midland, and to operate the same, and that it was eventually agreed between the municipal council of the said town and the said James Playfair that if he, the said James Playfair, would purchase the said mill and operate the same to its full capacity the said property should during a term of ten years beginning with the year 1895 be assessed for all purposes at the sum of \$10,000; and whereas in and by the said petition it is further represented that on the 3rd day of October, 1894, at a meeting of the Council of the Town of Midland a resolution was passed fixing the assessment of the said property pursuant to the terms of the said agreement and that immediately thereafter the said James Playfair acquired the said property and has since then very much increased the capacity of the said mill and has expended large sums of money thereon, and has continuously since 1894 operated the said mill at its full capacity; and whereas it is further represented in and by the said petition that pursuant to the said agreement and resolution the said property was assessed at the sum of \$10,000 for the years 1895, 1896, 1897, 1898 and 1899, and, with the assent and concurrence of the said James Playfair, at the sum of \$13,000 for the years 1900 and 1901, but that in the year 1902, the assessor of the said town, contrary to the terms of the said agreement assessed the said property at the sum of \$68,750; and whereas the facts alleged in the said petition have been satisfactorily established and the case appears to be that of an agreement existing at the time of the amendment of *The Municipal Act* requiring the assent of the electors in such cases; and whereas the said James Playfair has by his petition prayed that an Act be passed giving him the benefit of the agreement entered into by him with the said municipal corporation

Preamble.

puration and acted upon by both parties as aforesaid; and whereas it is expedient that effect should be given to the said agreement and to the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Assessment  
fixed for 1903,  
1904 and 1905.

1. The assessment of the said property of the said James Playfair within the limits of the Town of Midland, and being the property known at the time of the purchase thereof by the said James Playfair as aforesaid, as the British Canadian Mill property, is fixed for all purposes including school rates at the sum of \$10,000 for the years 1903, 1904 and 1905.

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## CHAPTER 67.

An Act providing for the Incorporation of the  
City of Niagara Falls.

*Assented to 12th June, 1903.*

**W**HEREAS the Councils of the Municipal Corporations of the Town of Niagara Falls and the Village of Niagara Falls have passed resolutions affirming the expediency of the union of the said corporations and have agreed that all questions, claims, demands or disputes now existing or which may arise out of the said union shall be settled and determined by a Commission to be appointed by the Lieutenant-Governor in Council for that purpose; and whereas the said corporations have extensive railway and shipping interests, and large works for the development of power are in course of construction therein; and whereas it is expedient to incorporate the said existing municipalities into a city;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. On and after the confirmation of the report of the Commission to be appointed as hereinafter provided the area comprised in the limits of the Town of Niagara Falls and the Village of Niagara Falls shall be constituted a corporation under the name of The Municipal Corporation of the City of Niagara Falls, and the said corporation shall enjoy and possess all the rights, powers and privileges of cities under *The Municipal Act*. Incorporation  
of City of  
Niagara Falls.  
  
Rev. Stat.,  
c. 223.

2. The City of Niagara Falls shall be divided into five wards to be named respectively, Ward No. 1, Ward No. 2, Ward No. 3, Ward No. 4, Ward No. 5, of which the present Town of Niagara Falls shall form three, the present South Ward of the said town with its present boundaries to be Ward 3, and the remaining Wards in the said town to be divided into and to comprise Ward No. 1 and Ward No. 2.

3. The council of the said city shall consist of the Mayor, who shall be head thereof, and two Aldermen for each Ward thereof, and the representation, as herein mentioned, shall continue for a period of three years from the date of the incorporation



poration of said city; and thereafter such representation shall be governed by the provisions of *The Municipal Act*.

Commission  
to settle  
differences  
and fix  
boundaries.

4. (1) The Lieutenant-Governor in Council may appoint a Commission of three persons to hear and determine all questions, claims, demands or disputes now existing or which may arise out of the said union, or which affect the boundaries of the said city. The finding of the said Commission, when ratified and confirmed by the Lieutenant-Governor in Council, shall be final and binding on all parties concerned. The expenses of the Commission shall be paid by the uniting municipalities as may be determined by the Commissioners.

Rev. Stat.,  
c. 19.

(2) The Commissioners appointed hereunder shall have the same powers as if appointed under *The Act respecting Inquiries concerning Public Matters*.

First election.

5 The said Commission shall appoint the Returning Officer for the first election of mayor and aldermen of the said city; and the affairs of the territory affected by the award of said Commission shall be administered by the councils of the said municipalities to be united until the mayor and aldermen of the said city assume office after the election aforesaid, which said election shall be held in January, 1904, according to the provisions of *The Municipal Act* as far as the same are not inconsistent herewith.

Rev. Stat.,  
c. 223.

Qualification  
of electors.

6. At the said first election in the said city the qualifications of the electors shall be the same as required in towns.

Nominations.

7. The nominations for the said first election and all other proceedings in connection therewith shall be held and performed in the manner provided in *The Municipal Act* respecting elections in towns, and according to the existing by-laws of the Town of Niagara Falls, and the Returning Officer shall appoint deputy returning officers and have all the powers and perform all the duties of clerk of the said city until some other appointment is made.

Voters' lists .

8. The last revised assessment rolls and Voters' list of the said town and village shall be taken to be the rolls and voters' lists of the said city for any future election, as if this Act had not been passed, until an assessment for the city shall be made, and the assessment roll thereof finally revised, and the voters' lists thereunder duly made and completed.

Provisions of  
Municipal  
Act made  
applicable.

9. The provisions of *The Municipal Act* relating to matters consequent on the formation of new municipal corporations, and the other provisions of the said Act shall, except so far as herein otherwise provided, apply to the said City of Niagara Falls in the same manner as if the said city had been incorporated under the provisions of the said Act.

## CHAPTER 68.

## An Act to confirm a certain By-Law and Agreement of the Corporation of the Town of Niagara Falls.

*Assented to 12th June, 1903.*

WHEREAS the Municipal Corporation of the Town of Preamble.  
Niagara Falls has, by petition, represented that the said municipal corporation did, on the 9th day of February, 1903, unanimously pass a by-law authorizing the mayor and clerk of the said corporation to execute an agreement with The Ontario Power Company of Niagara Falls; and whereas pursuant to the said by-law the said municipal corporation did, on the 12th day of February, 1903, enter into an agreement with The Ontario Power Company of Niagara Falls, by which the said company did agree to supply to the said corporation 1,000 electrical horse power at the rate of ten dollars (\$10) per annum for a term of ten years; and whereas in consideration of such supply of electrical horse power, at the rate aforesaid, the said corporation covenanted and agreed to fix the assessment of the property now owned or occupied (or hereafter to be acquired) by the said company in the said town, up to the 31st day of December, 1914; and whereas the Corporation of the Town of Niagara Falls by the said petition prayed that an Act may be passed ratifying and confirming the said by-law and declaring the same to be legal, valid, and binding, and confirming, ratifying and legalizing the said agreement entered into between the said municipal corporation and the said company in pursuance of the said by-law; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. By-law No. 592 of the Municipal Corporation of the Town of Niagara Falls, set forth as Schedule A to this Act is ratified and confirmed and declared to be legal, valid and binding, and within the powers of the Corporation of the Town of Niagara Falls, and the agreement set forth as Schedule B to this Act is ratified and confirmed and declared to be valid and binding upon the respective parties thereto; provided, however, that nothing in the said by-law contained shall affect the assessment of the property

By-Law  
No. 592 as to  
agreement  
with Ontario  
Power Co.  
confirmed.

property above mentioned for school purposes, and the said property shall in all respects be assessed and be liable to taxes for school purposes, in the same manner and to the same extent as if the said by-law had not been passed, and provided further, that the said by-law and agreement shall not apply to lands hereafter to be acquired by the said company unless actually used in connection with the generation and transmission of electricity; provided further, notwithstanding any provision in the said agreement set forth in Schedule B, no renewal for a second term shall be valid or of any effect unless and until approved by a vote of the qualified ratepayers.

## SCHEDULE A.

### BY-LAW No. 592.

A By-law to authorize the Municipal Corporation of the Town of Niagara Falls to enter into an agreement with the Ontario Power Company of Niagara Falls for the supply to it of electrical horse power, and to fix the assessment of the property of the said company for a period of years.

Whereas the Ontario Power Company of Niagara Falls has petitioned the said municipal corporation of the Town of Niagara Falls for a fixed assessment on all property, which the said Company now has or may hereafter acquire during the term and for the amount hereinafter mentioned, and the said municipal council of the said corporation has agreed to grant the prayer of said petition upon condition that the said company shall supply to the said corporation electric current sufficient to develop one thousand electrical horse power at the rate of ten dollars per horse power per annum, as hereinafter set forth.

And whereas the said company having accepted the said condition, it is deemed expedient that the said municipal corporation should make application to the Legislature of the Province of Ontario for such legislation as may be necessary to ratify and confirm the said by-law and the said agreement to be entered into in pursuance thereof.

Now, therefore, the municipal council of the corporation of the Town of Niagara Falls enacts as follows :

1. That the mayor and clerk of the said municipal council, by their signatures and the seal of the said corporation, on behalf of the said corporation, shall enter into an agreement with the said The Ontario Power Company, of Niagara Falls, whereby the said company shall agree to furnish as soon as its plant is ready for operation, and continuously thereafter for a period of ten years, so far as due diligence will enable it so to do, to the said municipal corporation, if so required by it, electric current sufficient to develop not less than one thousand electrical horse power, or any portion thereof, at the said company's main line voltage at the rate of ten dollars per annum for each electrical horse power so supplied; and whereby the said municipal corporation shall agree to and with the said company that the lands, buildings, machinery, poles, wires, conduits, and all other real or personal property, which may be at any time owned by the said company during said term within the limits of the said municipal corporation, shall be assessed at the same amounts for which any such lands are now assessed according to the assessment

roll



roll of 1902, for a term commencing when the said agreement shall go into effect as hereinafter provided and ending on the 31st day of December, 1914.

2. The said agreement shall contain such other terms and conditions as may be agreed upon by the officers of the municipal corporation above referred to and the said company for the purpose of fully entering into and carrying out the said agreement and any other matter incidental thereto.

3. That this agreement shall not come into force and effect until an Act has been passed by the Legislature of the Province of Ontario sanctioning and legalizing the same.

4. This by-law and agreement entered into in pursuance thereof shall come into force and take effect on the passing of the said Act sanctioning and legalizing the same.

Passed in council this 9th day of February, 1903.

(Sgd.) JOHN ROBINSON,  
Town Clerk.

(Sgd.) GEORGE HANAN,  
Mayor.



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## SCHEDULE B.

Agreement made in duplicate this 12th day of February, 1903, between the corporation of the Town of Niagara Falls, hereinafter called the "Corporation," of the first part, and The Ontario Power Company of Niagara Falls," hereinafter called the "Company," of the second part.

Whereas the company proposes to erect on certain lands vested in the commissioners for the Queen Victoria Niagara Falls Park and other lands now owned by the said company, or proposed to be acquired by it, and on the streets of the said Town of Niagara Falls, buildings, machinery, poles, wires and conduits for the purpose of generating and transmitting electrical power.

And whereas the company has agreed to supply to the corporation upon the terms and conditions hereinafter set forth, electrical current sufficient to develop one thousand electrical horse power at the rate of ten dollars per horse power per annum in consideration of a partial exemption from taxation as hereinafter described.

Now this agreement witnesseth that the company in consideration of the premises and of the covenants of the corporation hereinafter contained, covenants and agrees with the corporation as follows :

1. As soon as its plant is ready for operation and continuously thereafter for a period of ten years, so far as due diligence enables it to do so, to furnish continuously to the corporation, if so required by it at the present lighting premises of the corporation, three phase alternating electric current, approximately 25 cycles at a pressure of approximately two thousand two hundred volts, sufficient to develop not less than one thousand electrical horse power.

In consideration thereof the corporation covenants and agrees as follows :

First. To pay for any electric current supplied by the company at the rate of ten dollars per annum for each electrical horse power so supplied quarterly on the tenth days of January, April, July and October for the quarter ending on the first day of the month in which such payment is made.

Second.

Second. To take, if any such electric current is required by it, not less than sufficient to develop three hundred electrical horse power, and after said amount is supplied, and while it is so supplied, any additional power in blocks of not less than twenty-five electrical horse power.

Third. That the lands, buildings, machinery, poles, wires, conduits and all other real and personal property now owned or occupied by the said company, or hereafter to be acquired by it, shall be exempt from taxation, except as to school taxes, from the date hereof up to and including the thirty-first day of December, 1914, to the extent of any excess in valuation of the lands now owned or hereafter at any time owned or occupied by the said company over and above the assessed value of the said lands according to the assessment roll of said corporation for the year 1902.

It is mutually understood and agreed :

First. The electric current shall be measured at such voltage as it comes from the line on the high pressure transmitting conductors upon the said premises of the corporation in a suitable place to be provided by said corporation in watts, reckoning 746 watts to the electrical horse power, and such measurement shall be made by standard meters furnished by the company and in electrical units as standardized by the English Board of Trade. The corporation shall also furnish space in its said lighting station for the installation of necessary static transformers.

Second. The corporation shall have the right to extend this agreement for a second term of ten years after the expiration of the term herein specified upon giving the company six months written notice of its election so to do.

Third. All provisions hereof shall enure to and be binding upon the respective parties, their successors and assigns.

In witness whereof the parties hereto have duly executed" this agreement.

GEORGE HANAN,

Mayor.

JOHN ROBINSON,

Town Clerk.

{ Seal of  
Corporation. }

THE ONTARIO POWER COMPANY OF NIAGARA FALLS

By J. A. ARCHIBALD,

Vice-Prest.

R. C. BOARD,

Secretary.

{ Seal of  
Company. }

## CHAPTER 69.

An Act to confirm By-law No. 597 of the Town of  
Niagara Falls.*Assented to 12th June, 1903.*

**W**HEREAS The Clifton Hotel Company, Limited, has Preamble.  
by petition represented that, being desirous of re-  
building the Clifton House upon the property known as the  
Clifton House lot, in the Town of Niagara Falls, the  
said company requested the Municipal Corporation of  
the Town of Niagara Falls, to fix the assessment  
upon said property at the sum of \$50,000, for a period  
of ten years from the first day of January, 1905, and  
to fix the meter rate for the supply of water to the said  
hotel when re-built at the price of six cents per thous-  
and gallons, during the said period of ten years, and to fix  
the meter rate for electricity supplied to the said company  
upon the said premises at the present advertised meter rates,  
during the said period of ten years; and whereas since  
the destruction by fire of the hotel which formerly stood upon  
the said site there has been no sufficient accommodation for  
tourists in the said town; and whereas the municipal cor-  
poration of the said town, desiring to promote the erection  
of a new hotel on the said site, did on the second day of  
March, 1903, pass a by-law complying with the request  
of the said company; and whereas the said company has  
by its petition prayed that the said by-law be legalized  
and declared binding upon the said municipal corporation;  
and whereas no opposition has been offered to the said  
petition; and whereas it is expedient to grant the prayer  
of the said petition;

Therefore His Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario,  
enacts as follows:—

1. By-law No. 597 of the Municipal Council of the Town  
of Niagara Falls, set out as a schedule to this Act is  
declared legal, valid and binding upon the said corporation;  
Provided, however, that nothing in the said by-law contained,  
shall effect the assessment of the lands, buildings and prem-  
ises above mentioned for school purposes, and the said  
lands, buildings and premises shall in all respects be assessed  
and

By-law No.  
597, fixing  
assessment of  
the Clifton  
Hotel Co.,  
legalized.  
  
Proviso.



and be liable to taxes for school purposes in the same manner and to the same extent as if the said by-law had not been passed.

## SCHEDULE.

### "By-Law No. 597.

A By-Law to fix the assessment of the property of the Clifton Hotel Company, Limited, and to fix the meter rates for water and electricity supplied to the said Company.

Whereas the Clifton Hotel Company, Limited, desire to rebuild the Clifton House upon the property known as the Clifton House lot in the Town of Niagara Falls, and have requested this Council that in view of their doing the same, their assessment be fixed at the sum of fifty thousand dollars for the period of ten years and that their meter rate for the supply of water, be fixed at the price of six cents per thousand and gallons for the said period of ten years and also that the meter rate for electricity be fixed at five cents per thousand watts for the said period of ten years.

And whereas this Council deems it expedient to accede to the said request so far as it has power so to do ;

Be it therefore enacted by the Municipal Council of the Town of Niagara Falls, as follows :

1. That the assessment of the property of the Clifton Hotel Company, Limited, known as the Clifton House Lot, containing by measurement three and fifty-eight hundredths acres of land be the same more or less : Composed of part of lot number 129, part of the broken front lot 129 and part of the allowance for road lying between the said lots in the Township of Stamford in the County of Welland, now within the incorporate limits of the Town of Niagara Falls : Commencing in the Northerly limit of Ferry Street at a point in line with the front or Easterly end of Lafayette Hotel ; Thence South 35 degrees west in the Northerly limit of Ferry Street 441 feet and six inches more or less to the westerly end of the stone wall forming the Northerly limit of the said Ferry Street ; Thence North 55 degrees east at right angles to Ferry Street 366 feet more or less to the Northerly limit of the Clifton House property ; Thence South 41½ degrees east in the said Northerly limit 252 feet more or less to the Lafayette Hotel lot ; Thence South 55½ degrees west in the rear limit of the said Hotel lot 15 feet to the South-westerly angle thereof, thence South 43 degrees and 10 minutes east in the Southerly limit of the said hotel lot 126 feet more or less to a point in line with the said Lafayette Hotel ; and thence South 45 degrees and 53 minutes west on line with the front of said Hotel 397 feet and 9 inches more or less to the place of the beginning ; be fixed at the sum of fifty thousand dollars for each year during the period of ten years from the first day of January, 1905.

2. That the meter rate for the supply of water to the said Hotel when re-built, be fixed at the price of six cents per thousand gallons during the said period of ten years, and that the meter rate for electricity supplied to the said Company upon the said Hotel premises be fixed at five cents per thousand watts, during the said period of ten years ; provided that the Corporation of the said Town is not to be bound to supply water or electricity to the said hotel, if for any reason the Corporation is unable to do so.

Read a third time and passed in Council this 2nd day of March, A.D. 1903.

(Sgd.) GEORGE HANAN,  
Mayor.

(Sgd.) JOHN ROBINSON,  
Clerk.

CHAPTER.

## CHAPTER 70.

## An Act respecting the Assessment of the Town of North Toronto.

*Assented to 22nd May, 1903.*

**W**HEREAS the Municipal Corporation of the Town of Preamble. North Toronto has by petition set forth that in the year 1902 and for some years prior thereto in accordance with a by-law passed on the 4th day of April, 1893, by the council of the said town, the annual assessment for the said municipality has been made as provided by section 58 of *The Assessment Act*; and whereas the said corporation has by the said petition further represented that it is necessary and expedient and of advantage to the said corporation that the assessment roll for the town should be made and completed in accordance with the provisions of sections 55 and 56 of the said *Assessment Act*, in order that each year's taxes may be levied on the assessment made and completed between the 15th of February and the 30th of April in the same year, and has prayed that authority may be given to take the assessment of the said municipality and to make and complete the assessment roll thereof in accordance with the said last mentioned provisions; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

1. The Municipal Council of the said Town of North Toronto may repeal the said by-law passed on the 4th day of April, 1893, and may in and by the repealing by-law declare that thereafter the assessment of the said municipality shall be made and completed within the times mentioned in sections 55 and 56 of *The Assessment Act*; provided that such repealing by-law shall not apply to the assessment for the year in which it is passed, and it shall not be necessary to make an assessment in that year in case an assessment roll has been finally revised in the next preceding year in accordance with the provisions of section 58 of *The Assessment Act*, and the taxes for the year in which the said repealing by-law is passed shall be levied upon the assessment roll as so finally revised.

Time for taking assessments

## CHAPTER 71.

## An Act respecting the Town of Oakville.

*Assented to 12th June, 1903.*

## Preamble.

WHEREAS the Municipal Council of the Town of Oakville has by petition represented that there is a deficiency of \$5,234 in the sinking fund provided for the payment of the current debentures of the Municipality of the Town of Oakville, and that it will be necessary to place that amount to the credit thereof in addition to the amount at present standing to the credit of the said sinking fund in order to pay the current debentures of the said municipality at maturity, and has further represented that there is also an outstanding floating indebtedness of \$10,311 arising from the defalcation of the late treasurer of the said municipality and otherwise; and that the said municipality is unable to pay the said amounts otherwise than by the issue of debentures of the said municipality of sufficient amount to raise the sum of \$15,500; and that it is desirable for such purpose to issue debentures of the said municipality to the amount of \$23,831, payable in equal annual amounts of \$1,191.58 in each year for a period of twenty years from the issue thereof; and whereas the municipal council of the said town has petitioned praying that an Act be passed to confirm and legalize a by-law of the municipality to authorize the municipal corporation to issue debentures to the amount of \$23,831.60 for the purposes aforesaid; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law  
No. 298  
ratified.

1. By-law No. 298 of the Municipal Corporation of the Town of Oakville set forth in the Schedule to this Act and the debentures which may be issued under or in pursuance of the provisions of the said by-law are ratified and confirmed and declared legal, valid and binding upon the said municipal corporation and the ratepayers thereof, notwithstanding any want of jurisdiction on the part of the said municipality to pass the said by-law or to issue the said debentures and notwithstanding any defect in substance or in form of the said by-law or debentures or in the manner of passing or issuing the same; and the Corporation of the Town of Oakville is authorized and empowered to issue debentures



debentures as authorized by the said by-law; and the said debentures so issued under the said by-law are declared legal and binding upon the said municipality; and the said corporation is authorized and empowered to do all acts and things necessary for the full and proper carrying out of the said By-law No. 298.

2. Sufficient of the said debentures to be issued under the authority of the said by-law and of this Act to raise the sum of \$10,266 may be sold by the said municipal corporation forthwith after the passing of this Act, and the balance of the said debentures shall be deposited with the treasurer of the said town and shall only be sold when, and to the extent that it may become necessary from time to time to meet any deficit in the sinking fund for the repayment of debentures of the said municipal corporation now outstanding; provided always that if, on any sale of debentures under the said by-law, any balance less in amount than the proceeds of one of the said debentures, shall remain in hand after realizing the said sum of \$10,266, or after meeting the deficiency then existing in the said sinking fund, such balance shall be immediately deposited to the credit of the sinking fund of the said municipal corporation.

Debentures:  
how to be  
issued.

3. In case any moneys are recovered by the said municipal corporation from the representatives of Thomas Howarth, late treasurer thereof, or from any surety or sureties for the said Thomas Howarth or as the result of the action now pending between the said municipal corporation and one George Andrew, wherein the said town is endeavoring to recover from the said George Andrew the amount of the said Thomas Howarth's indebtedness, or as the result of any other action or actions for the recovery of the amount due the said municipal corporation by the said Thomas Howarth, then in any such case the moneys so recovered shall, after deducting the costs, charges and disbursements of such recovery, immediately after receipt thereof by the said municipal corporation, be deposited to its credit in a special account and shall be used only for the redemption of the debentures now outstanding of the said municipal corporation or for the redemption of the debentures to be issued under and in pursuance of the said By-law No. 298 of the said municipal corporation and of this Act.

Application of  
moneys that  
may be  
recovered in  
respect of  
defalcation of  
late treasurer.

4. After the recovery and receipt by the said municipal corporation of any portion or portions of the amount of the said indebtedness of the said Thomas Howarth to the said municipal corporation, and until the amount or amounts so recovered as aforesaid shall have been exhausted in payment of outstanding debentures or of the debentures to be issued under and in pursuance of said By-law No. 298 as aforesaid, no levy under the said by-law for the purpose of raising money to meet the said debentures issued under and in pursuance of the said By-law No. 298 shall be made.

No levy to be  
made under  
By-law 298  
until  
necessary.

SCHEDULE.

## SCHEDULE.

## BY-LAW NUMBER 298 OF THE MUNICIPAL CORPORATION OF THE TOWN OF OAKVILLE,

A By-law to authorize the Municipal Corporation of the Town of Oakville, to issue debentures to the amount of \$23,831.60 for the purpose of making up the deficiency in the sinking fund of the said Municipality, and for the purpose of wiping off the present floating indebtedness thereof.

Whereas there is a deficiency of \$5,234.73 in the sinking fund of the said Municipality;

And whereas the said municipality is indebted to the Board of Education for the Town of Oakville in the sum of \$3,086.00 levied by the said municipality for the said Board of Education in the year 1902, but not paid over to it;

And whereas the said Municipality is indebted to the Separate School Board for the Town of Oakville in the sum of \$200 levied by the said Municipality for the Separate School Board in the year 1902 but not paid over to it;

And whereas there is due to the County of Halton for the County rate levied by the said Municipality in the year 1902, but not paid over to the said County, the sum of \$500;

And whereas there is due and owing to the Merchants Bank of Canada the sum of \$5,025 00 on account of money borrowed by the said Municipality from the said Merchants Bank for current expenses pending the collection of taxes during the year 1902;

And whereas there are other outstanding liabilities of the said Municipality incurred in and during the year 1902 exceeding the sum of \$1500.00;

And whereas the creditors of the said Municipality are pressing for payment of their debts by the said Municipality;

And whereas the said Municipality is altogether unable at the present time to raise by way of levy of taxes the amount required to pay the said debts and provide for the deficiency in the sinking fund in addition to meeting the ordinary necessary expenses thereof;

And whereas it will require the sum of \$15,500 to provide for the said deficiency in the sinking fund and to pay the said debts of the said Municipality;

And whereas it is desired to raise the said amount of \$15,500 by the issue of debentures of the said Municipality and to spread the repayment thereof over a period of twenty years;

And whereas in order to raise the said sum of \$15,500 it will be necessary to issue debentures of the said Municipality for the sum of \$23,831.60 as hereinafter provided, which is the amount of the debt intended to be created hereby the proceeds of the said debentures to be applied to the purpose aforesaid and to no other;

And whereas it is desirable to issue the said debentures at one time and to make the principal of the said debt repayable by yearly sums during the period of twenty years being the currency of the said debentures; the said yearly sums being of such respective amounts that the aggregate amount payable in each year for principal and interest in respect of said debt shall be as nearly as possible equal to the amount so payable in each of the other nineteen years of the said period of twenty years;

And

And whereas the total amount required by *The Municipal Act* to be raised annually by special rate for paying the said debt and interest as hereinafter provided is \$1,191.58;

And whereas the whole amount of the whole rateable property of the Town of Oakville, according to the last revised assessment roll thereof, is the sum of \$449,327.00;

And whereas the amount of the existing debenture debt of the said Municipality of the Town of Oakville is \$28,188.80 whereof no part of either principal or interest is in arrears;

Therefore the Municipal Council of the Town of Oakville enacts as follows :

1. That for the purpose of raising the said sum of \$15,500 debentures of the said Town of Oakville, amounting to the sum of \$23,831.60, as aforesaid, in sums of \$1,191.58 each, shall be issued on the 15th day of May, A.D. 1903, payable one each on the 15th day of May in each of the years A.D. 1904 to A.D. 1923, inclusive, at the office of the Treasurer of the Town of Oakville, without interest, the interest on the said loan calculated at the rate of four and one-half per centum per annum being already included in the amount of the said debentures.

2. It shall be lawful for the Mayor of the said Municipality, and he is hereby authorized and instructed to sign and issue the said debentures hereby authorized to be issued, and to cause the same to be signed by the Treasurer of the said Municipality, and the Clerk of the said Municipality is hereby authorized and instructed to attach the seal of the said Municipality to the said debentures.

3. That during the currency of the said debentures there shall be raised annually by special rate on all the rateable property in the Town of Oakville the sum of \$1,191.58 for the purpose of paying the amount due in each of the said years for principal and interest in respect of the said debt.

4. This by-law shall not come into force or be of any effect whatsoever until after the Municipal Council of the Town of Oakville shall have been empowered and authorized to pass the same and until the said by-law shall have been declared valid and binding upon the said Municipality by an Act of the Legislative Assembly of the Province of Ontario.

5. Subject to the provisions of the fourth paragraph hereof this by-law shall take effect, on from and after the day upon which any Act of the said Legislative Assembly declaring this by-law valid and binding upon the said Municipality shall come into force.

Dated this 9th day of March A.D. 1903.

JOHN KELLEY,

Mayor

W. E. DAVIS,

Clerk



## CHAPTER 72.

## An Act respecting the City of Ottawa.

*Assented to 12th June, 1903.*

Pream

WHEREAS the Municipal Council of the Corporation of the City of Ottawa has by its petition set forth that on the 10th day of May, 1903, a very disastrous fire occurred in the said city rendering a great many of the inhabitants homeless and destitute; and whereas the said corporation has by the said petition prayed that authority may be given to expend the sum of \$10,000 in relief of the sufferers by the said fire; and whereas the said corporation has further by the said petition represented that it is desirable to assist The Dominion Live Stock and Eastern Ontario Poultry Associations by providing a suitable building for the accommodation of the said Associations to enable the said Associations to hold jointly an annual exhibition of fat stock and poultry in the said city, and has prayed that it may be given power to raise by a special issue of debentures the sum of \$10,000 for the said purpose, without submitting any by-law in connection therewith to, or obtaining the assent thereto of, the electors before the final passing thereof; that a system of main drainage for the said city has been constructed but that the sums authorized to be raised therefor have been found to be insufficient, and that a further sum not exceeding \$20,000 will need to be raised to complete the payment of the cost of the construction of the same; that a hospital for the reception of persons afflicted with the small-pox and other contagious diseases has recently been established, erected and furnished in the said city at a cost in the neighborhood of \$60,000, and that it would be a hardship upon the ratepayers thereof to be compelled to repay the sum necessary to be raised to provide for the payment of the cost thereof within 10 years; that the sums authorized to be raised for the purpose, amongst others, of extending the water mains in the said city have proved insufficient therefor and that a further sum not exceeding \$50,000 is required for the completion of the said work; and has prayed that the said corporation may be authorized to borrow the said respective sums for the said respective purposes by a special issue of debentures payable within the times hereinafter mentioned; and whereas the said council has further shown that certain debts and liabilities have been contracted in connection with the holding of an annual exhibition in the said city and are  
now

now outstanding, and has prayed that the said corporation may be authorized to borrow upon the security of Lansdowne Park in the said city a sum not exceeding \$26,000 to be applied in payment of the same; and whereas the said council has further shown that the sum of \$15,000 authorized by By-law No. 2151 of the said Corporation, which by-law was ratified and confirmed by the Act passed in the 2nd year of His Majesty's reign, chaptered 55, for purchasing a site for, and furnishing, a free public library in the said city, has been found insufficient therefor, and that at least \$25,000 will be required, and that the said Council has passed By-law No. 2247, subject to confirmation by this Legislature, amending By-law No. 2151, authorizing the raising of the last mentioned sum for the said purposes, and has prayed for the ratification of the said By-law No. 2247; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Council of the Corporation of the City of Ottawa may by by-law provide for the expenditure or distribution of a sum not exceeding \$10,000 out of any monies in the hands of the Treasurer of the City from time to time applicable to the general purposes of the Corporation in the relief of persons who have been rendered homeless or destitute by the fire which occurred in the said City on the 10th day of May, 1903.

Relief of persons rendered homeless by fire.

2. The Council of the Corporation of the City of Ottawa may borrow upon a special issue of debentures, bearing interest at such rate as the said Council may determine and payable in 30 years from the date thereof, a sum not exceeding \$10,000 to provide for the cost of the erection of a building for the accommodation of The Dominion Live Stock and Eastern Ontario Poultry Associations suitable for the holding of an annual Fat Stock and Poultry Exhibition.

Authority to issue debentures for \$10,000 to erect building for Dominion Live Stock and Eastern Ontario Poultry Association.

3. The said Corporation may also borrow by a special issue of debentures, bearing interest at such rate as the said Corporation may determine and payable in 30 years from the date thereof, a sum not exceeding \$20,000 for the purpose of completing the construction in the said City of the system of main drainage mentioned and referred to in the Act passed in the 63rd year of Her late Majesty, intituled *An Act respecting the City of Ottawa*.

Issue of debentures for \$20,000 for main drainage authorized.

4. The said Corporation may also borrow by a special issue of debentures, bearing interest at such rate as the said Corporation may determine and payable in 20 years from the date

Issue of debentures for \$60,000 for erection of

hospital for  
smallpox  
patients  
authorized.

date thereof, a sum not exceeding \$32,000, to be applied in payment of the cost of the establishment, erection and furnishing of the hospital for the reception of persons afflicted with smallpox and other contagious diseases recently established, erected and furnished in the said city.

Issue of debentures for \$50,000 for extending water mains authorized.

5. The said corporation may also borrow by a special issue of debentures, bearing interest at such rate as the said corporation may determine and payable in 40 years from the date thereof, a sum not exceeding \$50,000 for the purpose of extending and enlarging the water mains in certain streets of the said City.

Special annual rate to be levied.

6. For the payment of the debt and interest represented by the said debentures to be issued under the authority of sections 2, 3 4 and 5 hereof, there shall be annually raised, levied and collected by the said corporation during the currency of the said debentures by an annual special rate upon the amount of the assessable property of the said corporation according to the then last revised assessment roll thereof a sum sufficient to discharge the said debt and interest when the same shall be respectively payable.

Annual water rates to be raised sufficient to meet debt and interest of debentures.

7. For the payment of the debt and interest represented by the said debentures to be issued under the authority of section 5 hereof, there shall be annually raised during the currency of the said debentures, with the authority conferred upon the said corporation in and by the Act passed in the 35th year of the reign of Her late Majesty, chaptered 80, and intituled *An Act for the Construction of Waterworks for the City of Ottawa*, by the said corporation from the water rates, a sum sufficient to discharge the said debt and interest when the same shall respectively become due, such sum to be in addition to the money required to be raised to meet the charges of maintenance, and the cost of renewals in connection with the said waterworks, and for the payment of the principal and interest of all debts heretofore authorized to be contracted for the purposes of the said waterworks, or to be charged against the said water rates by any Act of this Legislature; but if at any time the moneys accruing from the said water rates shall prove insufficient for the purposes aforesaid, then when and so often as the said deficiency shall occur, there shall be raised, levied and collected by the said corporation by a special rate upon the assessable property of the said corporation according to then last revised assessment roll thereof a sum sufficient to make good such deficiency.

Assent of electors not required.

8. None of the by-laws to be passed under sections 1, 2, 3, 4 and 5, hereof shall require to be submitted to or have the assent of the electors of the said city before the final passing thereof.



9. The said corporation may also borrow upon the security of a further mortgage upon the lands and premises in the said city known as Lansdowne Park at a rate of interest not exceeding 5 per cent per annum a sum not exceeding \$26,000 to be applied in payment of certain outstanding debts and liabilities contracted in connection with the holding of an annual exhibition in the said city and may guarantee the repayment of the said sum and the payment of the interest thereon.

Mortgage of  
Lansdowne  
Park for  
\$26,000 to  
meet debts of  
exhibition  
authorized.

10. The sums hereinbefore authorized to be borrowed shall when raised be used for the respective purposes hereinbefore specified and no others.

Application  
of sums  
borrowed.

11. Unless the borrowing powers hereinbefore conferred are exercised within one year from the date of the passing of this Act the same shall lapse.

Borrowing  
powers to be  
exercised  
within one  
year.

12. By-law No. 2247 of the said Corporation intituled "Being a by-law to establish a free public library in the City of Ottawa and to accept the offer of Andrew Carnegie, Esquire, of the sum of \$100,000 to be expended for the erection of the same" which is set out in the Schedule to this Act is ratified and confirmed and declared to be legal, valid and binding upon the said corporation and the ratepayers thereof.

By-Law, No.  
2247 con-  
firmed.

## SCHEDULE.

### By-Law No. 2247.

A BY-LAW to amend By-law No. 2151 entitled "Being a By-law to establish a free public library in the City of Ottawa and to accept the offer of Andrew Carnegie, Esquire, of the sum of \$100,000 to be expended for the erection of the same."

The Municipal Council of the Corporation of the City of Ottawa, subject to confirmation by the Legislature of the Province of Ontario, enacts as follows :—

1. By-law Number 2151, entitled "Being a By-law to establish a free public library in the City of Ottawa and to accept the offer of Andrew Carnegie, Esquire, of the sum of \$100,000 to be expended for the erection of the same," is hereby amended by striking out the figures \$15,000" where the same occur in the fourth line of section 9 thereof and by substituting therefor the figures "25,000."

Given under the Corporate Seal of the City of Ottawa this 2nd day of March, 1903.

Certified.

JOHN HENDERSON,  
City Clerk.

FRED. COOK,  
Mayor.

## CHAPTER 73.

## An Act respecting the Township of Pelee

*Assented to 12th June, 1903.*

## Preamble.

WHEREAS the Corporation of the Township of Pelee has, by petition set forth that in and by section 4 of the by-law set out as Schedule A to an Act passed in the 2nd year of the reign of His Majesty, chaptered 57, it was provided among other things that the debentures to be issued thereunder should be issued and dated on the 15th day of March, 1902, and should be payable within seven years thereafter at The Traders' Bank of Canada in the Town of Leamington; that the said debentures authorized by the said by-law were not issued on the date mentioned therein, but debentures for the sum of \$7,000 were issued for the purposes of the said by-law on the 16th day of April, 1903, payable within seven years from the said last-mentioned date; that it is necessary and desirable that the said issue of debentures should be legalized and validated, and that the council of the said corporation should be authorized to levy the rates required for the payment thereof; and whereas the said corporation has by the said petition prayed that an Act may be passed to legalize and confirm the said issue of debentures, and to authorize the said corporation to raise the said sum of \$7,000 thereon, or to cancel the said issue of debentures, and to make a new issue of debentures for the said sum of \$7,000; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Debentures  
under by-law  
136 validated.

1. The debentures issued by the Corporation of the Township of Pelee, under the said by-law for the sum of \$7,000 and all rates levied or to be levied for payment thereof are legalized and validated and declared to be binding on the said corporation and the ratepayers thereof in the same manner and to the same extent as if the same had been issued in compliance with section 4 of the said by-law.

Special rates.

2. The Corporation of the Township of Pelee during the currency of the said debentures shall raise annually by special

special rate on all rateable property in the said township the sum of \$1,209.60 for the purpose of paying the amount due annually for principal and interest in respect of the said debt.

3. At any time before the said debentures are sold or otherwise disposed of by the said corporation the council of the said corporation may by by-law direct the cancellation and destruction of the said issue of debentures, and may in and by the said by-law, or by any by-law subsequently passed, provide for the issue of new debentures to the amount of \$7,000, payable within seven years from the date of the issue thereof, and for levying an annual special rate for payment of the said debentures and interest; but any debt contracted by the said corporation under such by-law shall be repayable in equal annual instalments of principal and interest during the said period of seven years, and it shall not be necessary to obtain the assent of the electors of the said township to the passing of a by-law for the issue of the said new debentures

Corporation  
may cancel  
present issue  
and make new  
issue for  
\$7,000.



## CHAPTER 74.

## An Act respecting the Town of Peterborough

*Assented to 12th June, 1903*

## Preamble.

**W**HEREAS the Corporation of the Town of Peterborough has by petition prayed that an Act may be passed to amend subsection 1 of section 2 of the Act passed at the 2nd session, held in the 62nd year of the reign of Her late Majesty Queen Victoria, chaptered 71, so as to remove the restrictions imposed on the said corporation by said subsection : to authorize and empower the said corporation to erect, construct and maintain poles, wires and other appliances on the streets and public places of the said town for the transmission of electricity in and through the Town of Peterborough and to charge rentals therefor, and to make regulations for the use management, maintenance and control of the same, and to enter into agreements with any company, firm or person for the use of the said appliances on such terms as may be agreed upon ; to authorize and empower the said corporation to issue debentures of the said corporation without the assent of the rate-payers for the sum of \$7,000, to meet the deficiency on the sale of waterworks' debentures issued for the purchase of the waterworks ; to authorize and empower the commissioners of the waterworks to form a contingent fund and to retain out of the revenue derived from the said waterworks an annual sum not exceeding one-half of the net revenue for that purpose ; and whereas it is expedient to grant the prayer of the said petition ;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

62 V. (2) c. 71,  
s. 2., subs. 1,  
amended.

1. Subsection 1 of section 2 of the Act passed at the 2nd session held in the 62nd year of the reign of Her late Majesty, Queen Victoria, chaptered 71 is repealed and the following substituted therefor :—

Erection of  
necessary ap-  
pliances for  
transmission  
of electric  
power.

(1a) It shall and may be lawful for the said Corporation to acquire by purchase, agreement or lease, and to develop and improve water powers, together with such lands as may be necessary for the purposes and objects of this Act, and to erect or purchase buildings, machinery, poles, wires and other appliances

appliances, and to transmit and supply electric light, heat and power for all purposes within the authority of municipal corporations under any general Act now in force or hereafter passed respecting municipal corporations, on such terms and conditions as the council of the said town may from time to time determine, but subject, however, to the conditions and provisions in such general Acts contained, except that any money borrowed or debentures issued for the purposes in this subsection mentioned shall be deemed to be in addition to the debentures authorized by the Act passed in the 53rd year of the reign of Her late Majesty, Queen Victoria, chaptered 99.

(1b) Notwithstanding anything to the contrary contained in any Act relating to the Town of Peterborough, the corporation of the said town may take advantage of and exercise all powers which are now or may hereafter be conferred upon municipal corporations by any general Act, subject, however, to the conditions and provisions in said general Acts contained.

2. It shall be lawful for the Council of the Corporation of the Town of Peterborough without the assent of the rate-payers of the said municipality to pass a by-law providing for and authorizing the borrowing on the credit of the municipal waterworks and the said municipality of the sum of \$7,000 for the purpose of paying the deficiency occurring on the sale of the waterworks debentures issued for the purchase of waterworks, and to issue the debentures of the municipal corporation therefor to be called "Waterworks Debentures," and to sell, pledge, hypothecate and dispose of the same, and the provisions of section 36 of *The Municipal Waterworks Act*, and of sections 396, 399, 400, 401, 429 and 431 of *The Municipal Act* shall apply to such by-law and the debentures issued under the provisions hereof.

Issue of debentures for \$7,000 to pay deficiencies in proceeds of waterworks debentures.

Rev. Stat. c. 235.

3. It shall be lawful for the Commissioners of the Municipal Waterworks to form and maintain a contingent fund not to exceed at any time the sum of \$50,000, and to use such portion of such contingent fund from time to time as may be necessary for making extensions, repairs, improvements and alterations in the said waterworks, and the dam, power house plant, mains and other appliances and appurtenances of the waterworks system, and if considered advisable for purchasing land for a reservoir and constructing and connecting the same with the present waterworks system, and if considered advisable putting in filtering appliances and such other improvements as may be found necessary for a proper and efficient waterworks system—provided however that any contract, scheme or work involving an expenditure of over \$5,000 shall first require the approval of the council of the corporation of the said town—such contingent fund to be invested by the water commissioners until it is needed for the purpose aforesaid,

Contingent fund for waterworks.

said, and for the purpose of forming such contingent fund it shall be lawful for the said water commissioners to retain out of the surplus annual revenue derived from the said waterworks after providing for all ordinary expenses of management and maintenance and a sum sufficient to meet the interest and sinking fund on the waterworks debentures, a sum not exceeding one-half of the said surplus annual revenue while the contingent fund remains under the sum of \$10,000, and to retain out of such surplus annual revenue a sum not exceeding one quarter of the said surplus annual revenue, while the contingent fund remains over the sum of \$10,000 and under the sum of \$50,000, and while the said contingent fund remains at the sum of \$50,000 the whole of the said surplus annual revenue shall form part of the general fund of the Corporation of the Town of Peterborough.

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## CHAPTER 75.

An Act to legalize and confirm By-Law No. 679 of  
the Town of Petrolia.*Assented to 22nd May, 1903.*

**W**HEREAS the Municipal Corporation of the Town of Petrolia has by petition represented that The Canadian Oil Refining Company, Limited is the owner of certain lands in the Town of Petrolia, and that the said lands for many years prior to the purchase thereof by the said company were of comparatively small value, and that the said company has without any bonus or other assistance from the said town constructed an oil refinery and works for the purpose of manufacturing illuminating oil from petroleum and of manufacturing the by-products of petroleum, and that the said company purposes enlarging the said works to a still greater extent, and has represented to the Municipal Council of Petrolia that the said company will operate the said refinery and works for such period of each year as the work to be done will justify and will employ daily during such operation at least twenty men; and whereas it appears that the assessment of the said lands at the time they were purchased by the company was \$1,500; and whereas the said petition sets forth that the Municipal Council of the Town of Petrolia did on the 11th day of November, 1902, by unanimous vote finally pass a by-law fixing the assessment on the lands and plant of the said The Canadian Oil Refinery Company, Limited, at \$10,000 for a period of twenty years from the 1st day of January, 1903, upon the terms and conditions in the said by-law set forth; and whereas the said municipal corporation has by the said petition prayed that an Act may be passed to legalize and confirm the said by-law; and whereas it is expedient to grant the prayer of the said petition;

Preamble.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. By-law No. 679 of the Municipal Corporation of the Town of Petrolia as set out in the Schedule to this Act is confirmed and declared to be legal, valid and binding upon the said municipal corporation, notwithstanding any want of jurisdiction in said municipality to pass such by-law and notwithstanding any defect in substance or in the form of the said by-law or in the manner of passing the same.

By-law No.  
679 confirmed.

SCHEDULE

## SCHEDULE.

## BY-LAW No. 679.

A By-Law to fix the Assessment of The Canadian Oil Refining Company, Limited, at the sum of ten thousand dollars for twenty years, on certain conditions.

Whereas The Canadian Oil Refining Company, Limited, is the owner of the land in the Town of Petrolia in the County of Lambton, described as follows :—

Being all and singular that portion of the subdivision of the west quarter of lot number thirteen in the twelfth concession, formerly in the Township of Enniskillen but now of the Town of Petrolia, according to a plan and survey thereof made by J. J. Francis, P.L.S. and registered in the Registry Office for the County of Lambton, described as being sub-lots numbers forty-one, forty-two, forty-three, forty-four, forty-five and forty-seven.

Also all and singular that certain portion of sub-lots numbers forty-eight and forty-nine and forty-six according to said plan and survey described as follows :—Commencing at the north-west corner of the east half of said sub-lot number forty-eight, thence easterly along the northerly limits of sub-lots forty-eight, forty-nine and forty-six to the north-east angle of said sub-lot number forty-six ; thence southerly along the east limit of said sub-lot number forty-six sixty feet ; thence westerly parallel to the said north limit of said sub-lots forty-six, forty-nine and forty-eight, to the west limit of the east half of said sub-lot number forty-eight ; thence northerly along the said west limit to the east half of said sub-lot forty-eight, sixty feet to the place of beginning.

Also that portion of said sub-lot number forty-eight in said survey described as being the south-west quarter thereof.

Also that portion of sub-lots numbers forty-eight and forty-nine in said survey and subdivision described as follows :—Commencing at the south-west angle of the east half of sub-lot number forty-eight ; thence easterly along the southern boundary of said sub-lots numbers forty-eight and forty-nine, one hundred feet to a point ; thence northerly parallel to the east and west boundary of said sub-lots forty-eight and forty-nine, two hundred feet to a point ; thence westerly parallel to the southern boundary of said sub-lots forty-nine and forty-eight, one hundred feet to a point in the boundary line between the east and west halves of said sub-lot forty-eight ; thence southerly along said dividing line between the east and west halves of lot forty-eight, two hundred feet to the place of beginning.

And whereas the said land was for years prior to being purchased by the said company in 1901 of comparative small value.

And whereas the total assessment of said land at the time same was purchased by said company was less than ten thousand dollars and not more than fifteen hundred dollars.

And whereas the said company has without bonus or other assistance from the Town of Petrolia constructed an oil refinery and works for the purpose of manufacturing illuminating oil from petroleum and of manufacturing the by-products of petroleum, and has contributed a large amount of taxes and water rates to the said town during the year 1902, and purposes enlarging the works and plant to a still greater extent.

And whereas the said company has represented to the Town of Petrolia that it and its successors and assigns will operate the said oil refinery and works for such portion of each year of said terms as the business to be done will justify and will employ daily during the time of such operation at least twenty men.

And

And whereas the said company has agreed to defray the expenses of Legislation validating and making operative this by-law.

Therefore the Municipal Council of the Town of Petrolia subject to this By-law being validated, affirmed and made operative by the Legislature of the Province of Ontario, enacts as follows :

1st. That the annual assessment of the aforesaid real property of the said Company, their successors and assigns, including any pipe lines in connection therewith and situate in the Town of Petrolia, and the personal property of the said Company, their successors and assigns, shall, for all purposes whatsoever, including school taxes, be fixed at the sum of ten thousand dollars for a period of twenty years from and inclusive, of the first day of January, 1903.

2nd. That all property which the said Company, their successors or assigns, shall hereafter acquire in the said Town of Petrolia for the purposes of and to be used in connection with their business, provided such after acquired property lies adjacent to the hereinbefore described land, shall for the portion of said period of twenty years which shall not then have elapsed, be assessed annually for the same amount as the assessment thereof in the year next before the same shall be so purchased, and which said assessment of property which may be so hereafter acquired, shall be in addition to the said fixed assessment of ten thousand dollars.

3rd. Should the said Company, their successors or assigns, fail in any year during said term to carry on the said works on the said lands for at least eight months thereof or to employ at least twenty persons therein for eight months in any year, the Town of Petrolia may in the next year after such default and as often as such default shall be made, assess the said real and personal property as if this By-law and any Act validating the same had not been passed ; but the said Company, their successors and assigns, shall, upon payment of the taxes levied upon the assessment made by reason of such default, be thereafter entitled to the benefit of the assessment fixed by this by-law upon compliance with the conditions thereof.]

5th. That all labour employed shall become residents of the Town.

Passed this eleventh day of November, 1902.

(Sgd) WILLIAM ENGLISH,

Mayor.

(Sgd) JOHN McHATTIE,

Clerk

(L.S.)



## CHAPTER 76.

## An Act respecting the Town of Port Arthur.

*Assented to 12th June, 1903.*

## Preamble.

WHEREAS the Municipal Council of the Town of Port Arthur has by its Petition represented that it has constructed and is now operating a municipal telephone system in the said Town, and also connecting the said Town with the municipal telephone system installed and operated by the Town of Fort William; that it has constructed dams and other works necessary to utilize the water power of Current River and that the said power is now being utilized in the operation of its electric railway and lighting systems; that The Pigeon River Lumber Company has constructed and now has in operation in the said Town of Port Arthur a large saw mill and planing mill and that the Municipal Corporation of Port Arthur has purchased a site for the said company's planing mill and has leased the same to the said company; that said works were constructed and the said lands purchased and leased to the said company under the authority of by-laws of the said municipal corporation, the same having been duly submitted to the vote of the ratepayers entitled to vote thereon as provided by *The Municipal Act* in that behalf; and whereas it has also been represented by the said petition that the municipal corporation of Port Arthur is the owner of and is now operating its own electric street railway and lighting systems and its own power system, and that the qualifications of the Electric Railway and Light Commissioners of the said Town should be changed, and that special powers should be granted to the said Electric Railway and Light Commissioners, to enable the Municipal Corporation of Port Arthur to effectively carry on the said operations; and whereas it has also been represented that owing to the large number of municipal improvements and public works which the said Town has already undertaken and is about to undertake, and the present high rate of taxation in the said Town, it is expedient that the said Town should be relieved from providing the full amount of the sinking fund authorized and required by the by-laws authorizing the construction of certain of the said public works and the raising of money to pay for the same, and that the said Town should not be called upon to provide the full sinking fund at present required by law in respect of the construction of a system of water-works and sewers in the said Town; and whereas it appears

appears that the financial position of the said Town is steadily improving; and whereas it is further represented that the said Municipal Corporation is now in receipt of substantial revenues from the street railway, electric lighting, power, and telephone systems of the said Town, and will, upon the construction of the said water-works system, be in receipt of a revenue therefrom; and it is expedient that the said Town, in striking its annual rate, should only be called upon to levy and raise a sum sufficient to pay the estimated deficit (if any) in the maintenance and operation of the said street railway, electric lighting, power, telephone, and water-works systems; and whereas it is further represented that the said Municipal Council has submitted to the ratepayers of the said Town, entitled to vote thereon, a by-law for the construction of water-works in the said Town, and the said ratepayers have approved of the said by-law, but certain of the ratepayers of the said Town desire the opportunity of voting on the question of whether a pumping or gravitation system should be adopted in the construction of the water-works for the said Town, and it is desired by the said Council that the ratepayers should have the said privilege, and that the said Council should be authorized to proceed with the construction of water-works in accordance with the system approved of by a majority of the ratepayers voting on the said question; and whereas it has been further represented that it would be a great saving of expense to the said Town to put down a system of sewers in the said Town at the same time as the said Town puts in the said water-works, and that power should be granted to the said Council to put in a system of sewers, upon the ratepayers of the said Town, authorized to vote on money by-laws, approving thereof; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. By-law No. 590 of the Corporation of the Town of Port Arthur, set forth as Schedule A to this Act, is ratified and confirmed and declared to be legal and binding. By-law No. 590 confirmed.

2. By-law No. 591 of the Corporation of the Town of Port Arthur, set forth as Schedule B to this Act, is ratified and confirmed and declared to be legal and binding. By-law No. 591 confirmed.

3. By-law No. 615 of the Corporation of the Town of Port Arthur, set forth as Schedule C to this Act, is ratified and confirmed and declared to be legal and binding. By-law No. 615 confirmed.

4. The debentures issued, or to be issued, pursuant to the said by-laws, or any of them, shall be and are declared to be valid and binding. Debentures validated.

58 Vic. c 73,  
s. 4, amended.

5. Section 4 of chapter 73 of the Acts passed in the 58th year of the reign of Her late Majesty Queen Victoria, is amended by striking out all words after the word "election" in the seventeenth line thereof, and sub-section 4 (b) of section 4 of chapter 65 of the Acts passed in the 1st year of the reign of His Majesty Edward the Seventh is amended by striking out all words after the word "town" in the third line thereof.

Qualifications  
of electric  
railway and  
light commis-  
sioners.

6. No person shall be qualified to be elected or appointed an electric railway and light commissioner unless such person resides within the municipality and unless such person has, or his wife has, at the time of his election or appointment, as owner or tenant, a legal or equitable freehold, or an estate partly freehold and partly leasehold, or partly legal and partly equitable, which is rated in his own name, or in the name of his wife on the last revised assessment roll of the municipality, to at least the value following, over and above all charges, liens and encumbrances affecting the same, that is to say:—Freehold, \$400; leasehold, \$800.

Members of  
Council  
not to be com-  
missioners.

7. No member of the council of the said town shall be eligible for election as an electric railway or light commissioner, but nothing in this section contained shall apply to the mayor of the town for the time being who shall be ex officio one of such commissioners.

Other dis-  
qualifications.

8. No person having by himself or his partner an interest in any contract with or on behalf of the corporation of the Town of Port Arthur or the said commissioners for any matter or thing within the jurisdiction of the said commissioners or over which they exercise control, or having a contract for the supply of goods or materials to the contractor for work for which the said corporation or commissioners pay or are liable directly or indirectly to pay and coming within the jurisdiction or under the control of the said commissioners as aforesaid, shall be qualified to be an electric railway or light commissioner.

Commission-  
ers to submit  
an annual  
statement to  
the council.

9. The said commissioners shall submit to the Municipal Council of the Town of Port Arthur on or before the first day of August in each year, or at such time as may be required by the Council, a statement showing the estimated receipts and expenses for the electric street railway, electric light and power and telephone plants for the current municipal year. If such statement shows an estimated deficit it shall be the duty of the Municipal Council to levy and collect the amount that may be deemed by the said council sufficient to cover such deficit upon the taxable property of the Municipality in the manner provided in *The Municipal Act and Assessment Act*. If any profits arise from the operation of the said systems the

Rev. Stat.  
cc. 223, 224.

amount



amount thereof shall belong to the Municipality and shall be applied in the reduction of the general taxation.

**10.** All accounts for wages and supplies and all other outgoings and expenses in connection with the operation and maintenance of the said electric railway, electric lighting and power systems and the amount of interest and sinking fund payable on the debentures issued for the construction of the said works, shall be audited and certified by the said commissioners and upon being passed by the town council shall be paid by the town treasurer on the order of the said commissioners.

Operating expenses.

**11.** Sub-section (c) of section 5 of the Act passed in the 58th year of the reign of Her late Majesty Queen Victoria chaptered 73 is repealed.

58 V., c. 73,  
s. 5, subs. (c)  
repealed.

**12.** Notwithstanding anything to the contrary in any Act, the said commissioners, upon receiving the assent of two-thirds of the members of the town council, shall be at liberty to expend during the present year a sum not exceeding \$10,000 in the purchase of street cars and shall further be at liberty with the like consent to purchase from time to time, and sell, instal, equip, construct and erect such poles, wires, circuits, transformers, installations, meters, street lamps, tools, appliances, telephones, railway switches and other things which may be necessary or expedient for the completion and the effective operation of their street railway, electric lighting, power and telephone systems, and to pay for the same out of the current receipts of the said systems; and the said municipal council shall be at liberty to issue debentures for the cost of any such matters or things, upon receiving the assent of the ratepayers entitled to vote on money by-laws; such debentures to be repayable with interest in not more than fifteen equal annual instalments; and such debentures shall be valid and binding in all respects, but nothing in this section contained shall apply to any extension of the said street railway exceeding one half mile in length.

Power of Commissioners.

**13.** Notwithstanding anything to the contrary in *The Municipal Act* or any other Act, the said Council, upon obtaining the assent of the ratepayers in the manner provided in the said *Municipal Act* with regard to by-laws creating debts, shall be at liberty to purchase from time to time such street cars as may be necessary for their railway, and to issue debentures for the same, repayable with interest in not more than twenty annual payments, and to extend their street railway and power plants, erect buildings, construct dams and purchase real estate, and to issue debentures therefor, repayable in thirty years; and for such last mentioned debentures it shall only be necessary to levy and raise a sinking fund on the basis of one per cent. per annum. But nothing in this section

Powers of Council.  
Rev. Stat.  
c. 223.

tion contained shall limit the right and powers of the said commissioners with the consent of the Council of the said Town to expend the sum of ten thousand dollars in the purchase of street cars during the present year as in section 12 hereof provided.

Power to  
Council to  
invest sink-  
ing funds.

**14.** The said municipal council shall be at liberty to invest any of its sinking funds or other moneys in the purchase of any of the fifteen year or twenty year debentures mentioned in sections 12 and 13 hereof to an amount equal to the amount of such debentures as an investment on account of the sinking fund, and may deal with the same accordingly.

Sinking funds  
not required  
under certain  
by-laws.

**15.** (1) Notwithstanding anything to the contrary contained in any Act or Statute of this Province, it shall only be necessary for the said Town to raise a sinking fund on the basis of one per cent. per annum for the repayment of the following debentures issued by the said Town, that is to say:—

\$30,000 Current River power debentures issued under by-law No. 572.

\$30,000 Current River power debentures issued under by-law No. 591.

\$6,000 Pigeon River Lumber Co. debentures issued under by-law No. 590.

\$50,000 Ontario & Rainy River Railway debentures issued under by-law No. 551.

provided the Town obtains the consent in writing of the holders of two-thirds in value of the said several classes of debentures; and in case the Town obtains the consent in writing of the holders of two-thirds in value of the debentures issued under any of the said by-laws, the provisions of this section shall apply to the sinking fund in respect of the debentures issued under the by-law in respect of which such consent has been obtained as aforesaid.

(2) Notwithstanding anything to the contrary contained in any Act or Statute of this Province, it shall only be necessary for the said Town to raise a sinking fund on the basis of two per cent. per annum for the repayment of \$12,000 telephone debentures issued or to be issued under by-law No. 615, and on the basis of one per cent. per annum for the repayment of any debentures the Town may issue as authorized under the provisions of sections 19 and 20 hereof to secure the construction of waterworks and sewers in the said Town.

Council  
authorized to  
give Com-  
missioners  
control of  
telephone  
system.

**16.** It shall be lawful for the municipal council of the said town at any time hereafter to place the control of the maintenance and operation of the telephone system of the said town with the said electric railway and light commissioners, and they shall thereupon have the same powers with regard thereto as they now have over the said electric railway, lighting and power systems.

17. The Municipal Corporation, in striking the annual rate, shall, in respect of the street railway, electric light, power, waterworks, and telephone systems, levy and raise a sum sufficient to pay the estimated deficit (if any) in the said street railway, electric light, power, waterworks and telephone systems, in addition to stating the amount of the debentures issued for each of the purposes aforesaid, set forth the amount of such deficit (if any) and the amount of the rate to cover such deficit; and in case the said systems, or any of them, produce sufficient revenue to pay the interest, sinking fund, repairs and maintenance, cost of operation and other expenses chargeable to revenue in respect of all the said systems, it shall not be necessary to make any levy in respect thereof.

Rate to make up deficit in street railway, lighting and telephone systems.

18. The Electric Railway and Light Commissioners of the said town shall, on or before the 15th day of December in each year, furnish to the clerk of the said town a detailed statement of the receipts and expenditures for the portion of the year ending on the said date, in respect of each of the systems or services under the charge of the said Electric Railway and Light Commissioners, under the following heads :

Statement to be furnished annually by Electric Railway and Light Commissioners.

1. Capital account.
2. Repairs and maintenance.
3. Cost of operation.
4. Interest on debentures.
5. Sinking fund.
6. Expenditures for all other purposes.
7. Receipts from all sources.
8. Surplus or deficit.

together with a statement of the assets and liabilities in respect of each of the said systems or services, and a similar statement in detail respecting the last fifteen days of the preceding year shall be attached thereto. The said statement shall be signed by the chairman of the said Electric Railway and Light Commissioners, and the council of the said town shall publish the said statement at the same time and in the same manner as the statement of receipts and expenditures, and of the assets and liabilities of the said corporation, required to be published under the provisions of *The Municipal Act*.

Rev. Stat., c. 223.

#### WATERWORKS.

19.—(1) The said Council shall, before proceeding with the construction of waterworks in the said town, submit to the electors of the said town entitled to vote on a money by-law, the following questions :—

Submission of question of waterworks.

1. Are you in favour of the pumping system of waterworks ?

2.



2. Are you in favour of the gravitation system of waterworks?

And the said Town may pass a by-law providing for such submission, which said by-law shall contain an estimate of the intended expenditure in respect of each of the said systems, the day appointed for holding a poll of the electors on the said questions, and the day appointed for passing the by-law authorized by sub-section 4 hereof for the construction of the said waterworks; and the poll for taking said vote shall be held in the same manner and continued for the same time as at elections for Councillors; but nothing herein contained shall prevent the Town from proceeding in the meantime with such work or works as would be common to the construction of both systems.

(2) The said Town shall give notice of the holding of the said poll for the taking of the said vote of the electors by publishing the said by-law providing for the said vote to be so taken, once a week for three weeks preceding the day on which the said vote is to be taken in a public newspaper published in the said Town.

(3) The ballot for the taking of the said vote shall be divided into two compartments, and in each compartment shall be printed one of the questions above set forth, and the voter desiring to vote in favour of the pumping system of waterworks shall mark his ballot in the usual manner of marking ballots, by making his cross in the compartment on the said ballot containing the words "Are you in favour of the pumping system of waterworks," and the voter desiring to vote in favour of the gravitation system of waterworks, shall mark his ballot in the usual manner of marking ballots, by making his cross in the compartment on the said ballot containing the words "Are you in favour of the gravitation system of waterworks?"

(4) The system in respect of which the larger number of votes is cast, shall be the system adopted by the said Town for the construction of waterworks.

(5) Notwithstanding the provisions of any Act or Statute of this Province to the contrary, the said Council shall, upon taking the said vote as aforesaid, be entitled to forthwith pass a by-law for the construction of waterworks for the said Town according to the system so approved of by the electors, and for the issuing of debentures for raising money for the said expenditure, and for levying an annual special rate to defray the yearly interest of the expenditure and to form an equal yearly sinking fund for the payment of the principal thereof, without further notice or further submitting the same to the electors

electors; the said debentures to be issued in accordance with the provisions of section 384 of *The Municipal Act* save as the same are modified by this Act, and the amount thereof shall not exceed \$200,000; and all debentures issued by the said Town under the provisions of the said by-law shall be valid and binding upon the said Town.

### SEWERS.

20.—(1) The said council may construct a system of sewers in the municipality and may pass by-laws therefor and for the issue of debentures for raising money for the said expenditure and for raising the amount required to be raised annually to defray the yearly interest of the debt thus contracted and to form an equal yearly sinking fund for the payment of the principal thereof in part by levying a special rate of one dollar per foot frontage on all real property fronting or abutting upon the street or streets in which a sewer is constructed and the balance by levying a special rate sufficient therefor on all rateable property in the municipality, the debentures to be issued under such by-laws to be issued in accordance with the provisions of section 384 of *The Municipal Act*, save as the same are modified by this Act.

Powers as to  
construction  
of sewerage  
system.

Rev. Stat.  
c. 223.

(2) The by-law for constructing a system of sewers shall not be passed until estimates of the intended expenditure, and notice of the time for holding a poll of the electors on the proposed by-law, and a copy of the proposed by-law at length, as the same is to be ultimately passed, and a notice of the day appointed for finally considering the same in council have been published once a week for three weeks in some newspaper in the municipality; nor until at a poll held in the same manner and at the same place and continued for the same time as at elections for councillors, a majority of the electors (entitled to vote on money by-laws) voting at the poll, vote in favor of the by-law.

(3) The vote of the electors hereinbefore required may be taken at the same poll and at the same time and places and by the same officers as the vote on the system of waterworks hereinbefore provided for.

(4) Any additions or extensions to the said system of sewers may be made by the said Municipal Corporation either upon the initiative of the council of the said town or on the petition of the ratepayers whose property would be affected thereby, and all extensions so made in the said sewer system shall be carried out in accordance with the provisions of subsection 1 of this section.

### SCHEDULE

## SCHEDULE A.

## TOWN OF PORT ARTHUR.

No. 590.

By-law to raise by way of debentures the sum of \$6,000 for the purchase of a site for the works of The Pigeon River Lumber Company, Limited, and to authorize a certain agreement with the said Company.

Whereas. The Pigeon River Lumber Company, Limited, has proposed to establish and operate within the Town of Port Arthur its saw mills and general lumber manufacturing plant on condition that the said Town furnish a free site and on other terms and conditions more fully set out in the Agreement bearing date the 15th day of August, 1901, made between this Corporation and the said Company, a copy whereof is attached hereto marked "A";

And whereas the said Company will employ a large number of men, and will expend large sums of money in the said Town, and it will be greatly in the interests of the said Town to procure the establishment of the said saw mill and general lumber manufacturing plant within its limits;

And whereas it will require the sum of \$501.50 to be raised annually by a special rate on the whole rateable property of the said Town of Port Arthur for the paying of the said sum of \$6,000 and interest on the debentures to be issued therefor, of which the sum of \$300 will be for interest, and the sum of \$201.50 for a sinking fund from which to pay the said debentures;

And whereas the amount of the whole rateable property of the said Town of Port Arthur, according to the last revised Assessment Roll, is \$1, 483,828.00, of which \$304,702.00 is wholly exempt from taxation, and \$79,027.00 is exempt except for school taxes;

And whereas the amount of the existing debenture debt of the said Town of Port Arthur is \$331,250.00 exclusive of local improvement debts secured by special acts, rates or assessments, and there is no part of the principal or interest in arrear.

Therefore the Council of the Corporation of the Town of Port Arthur enacts as follows:

1. It shall and may be lawful for the Mayor and Clerk of the Town of Port Arthur and they are hereby authorized and empowered for and on behalf of the Corporation of the Town of Port Arthur and under the corporate seal of the said Town to execute the said agreement "A" attached hereto, and to carry out its terms and do all things necessary therefor.

2. The works, buildings, plant and real and personal estate of the said The Pigeon River Lumber Company, Limited, actually used in connection with their said saw mill and general lumbering plant in Port Arthur, shall be exempt from all municipal taxation, except school taxes and local improvement taxes, for a period of ten years from the date of the said agreement, provided however that such exemption shall cease upon the Company failing to carry out any of the terms and conditions on its part contained in the said agreement.

3. That for the purpose of purchasing the said site for the said company's works it shall be lawful for the mayor of the said corporation and he is hereby authorized and empowered to cause any number of debentures of the said Corporation of the Town of Port Arthur to be made, executed and issued to the amount of six thousand dollars each, which said debentures shall be signed by the mayor of the said corporation and countersigned by the Treasurer for the time being of the said corporation and duly sealed with the corporate seal thereof.



4. That the said debentures shall bear date upon and be made payable in twenty years from the day hereinafter appointed for the coming into force of this By-law, at the Ontario Bank at the City of Toronto.

5. That the said debentures shall bear interest at and after the rate of five per centum per annum from the date thereof, and such interest shall be made payable half yearly, namely on the first day of July and the first day of January in each and every year during the currency of the said debentures at the said Ontario Bank at Toronto, and such debentures shall have attached thereto coupons for such half yearly interest.

6. For the purpose of paying the said debt hereby created and the interest on the debentures to be issued therefor as aforesaid the sum of \$501.50 shall be raised, levied and collected in each year, of and from the whole rateable property of the said Town of Port Arthur by an equal special rate in addition to all other rates during the continuance of such debentures, of which the sum of \$300.00 shall be for such interest and the sum of \$201.50 for a sinking fund for the ultimate payment of such debentures.

7. That this By-law shall come into force on the day of the final passing thereof.

8. The votes of such of the electors of the said Town of Port Arthur as are entitled to vote thereon shall be taken on this By-law on Wednesday the eleventh day of September, 1901, commencing at nine o'clock in the morning and continuing until five o'clock in the afternoon, at the following places and by the Deputy Returning Officers hereinafter mentioned, that is to say :

Polling Subdivision No. 1, embracing all that part of the Town of Port Arthur known as the first ward, at the Council Chamber on Park Street by Mr. Wm. H. Hesson as Deputy Returning Officer.

Polling Subdivision No. 2, embracing all that part of the Town of Port Arthur known as the second ward, at Lot 5, West Side of Cumberland Street, by Mr. Wm. A. McCallum as Deputy Returning Officer.

Polling Subdivision No. 3, embracing all that part of the Town of Port Arthur known as the third ward, at Mr. A. L. Russel's office on part of Lot 2, north side of Cameron street, by Mr. Wm. Powley as Deputy Returning Officer.

9. On Monday the 9th day of September, 1901, at his office in the Council Chamber in the Town of Port Arthur, at eleven o'clock in the forenoon, the Mayor shall in writing signed by him appoint two persons to attend at the final summing-up of votes by the Clerk of this corporation, and one person to attend at each polling place on behalf of the persons interested in and desirous of promoting the passing of this By-law and a like number on behalf of the persons interested in and desirous of opposing the passing of this By-law respectively.

10. The 12th day of September, 1901, at the Council Chamber aforesaid, at 12 o'clock at noon, is hereby appointed for the summing up by the Clerk of this Corporation of the number of votes given for and against this By-law respectively.

By-law read a first time this 15th day of August, 1901.

J. McTEIGUE,

Town Clerk.

By-law read a second time this 15th day of August, 1901.

J. McTEIGUE,

Town Clerk.

Read a third time, passed, signed and sealed this 14th day of October, 1901.

(Sigd.) I. L. MATTHEWS,

Mayor.

J. McTEIGUE,

Clerk.

SCHEDULE

## SCHEDULE A TO ABOVE BY-LAW.

Memorandum of Agreement made this 15th day of August, one thousand nine hundred and one, between The Pigeon River Lumber Company, Limited, hereinafter called the "Company," of the first part, and the Corporation of the Town of Port Arthur, hereinafter called the "Corporation," of the second part.

Whereas the Company is about to erect at Port Arthur a saw mill and general lumber manufacturing plant, and the Corporation has offered to assist the enterprise by granting the free site hereinafter mentioned and exempting the property of the Company from taxation ;

Now therefore this agreement witnesseth as follows :—

1. The Company covenants with the Corporation that it will forthwith proceed to construct and complete in a good and workmanlike manner upon the premises at Port Arthur leased by the Company from the Canadian Pacific Railway Company, under agreement between the Company and the said Canadian Pacific Railway Company, dated the first day of March, 1901, a first-class saw mill and general lumber manufacturing plant having a capacity of manufacturing and turning out one hundred and twenty thousand feet of lumber daily, and will have the said saw mill and general lumber manufacturing plant completely finished in manner aforesaid and in actual operation on or before the first day of July, 1902, and will in each year thereafter by means of the said saw mill and general lumber manufacturing plant cut and manufacture a quantity of lumber aggregating at least ten million feet. Provided that if there shall be any year in which the lumber trade or business is so very bad that the Company cannot without great loss cut and manufacture the whole of the ten million feet, the Company shall not be required in such year to cut and manufacture more than five million feet of lumber ; but notwithstanding this proviso the Company shall cut and manufacture in a period of four consecutive years at least forty million feet of lumber.

2. The company's chief place of business, and office for their lumber enterprise in the District of Thunder Bay shall be at the Town of Port Arthur.

3. The corporation agrees to purchase from the present owners that certain block of land in the McVicar Addition to the said Town of Port Arthur fronting on the southerly side of Front Street, between Van Horne and Stephen Streets and having a depth of 150 feet more or less.

4. The corporation agrees with the company to lease to it the lands described in the last paragraph at a nominal yearly rental of one dollar, the said lease to continue for the same time as the company's lease from the Canadian Pacific Railway Company under said recited agreement of March 1st, 1901.

5. The corporation agrees with the company that the works, buildings, plant and the real and personal property of the company actually used in connection with their said enterprise shall be exempt from all municipal taxation except school taxes and local improvement taxes for a period of ten years from this date. Provided, however, that such exemption shall cease if the company fails to carry out any of the terms or conditions on its part herein contained.

6. The company will pay at their office in Port Arthur all the men employed by them in and about and in connection with their said enterprise.

7. The company will not engage in or be connected with any business as merchants in the said Town of Port Arthur.

8. Provided, however, and it is hereby distinctly understood and agreed by and between the parties hereto that if the operations of the said mill and lumber manufacturing plant shall at any time during the continuance of this agreement be discontinued for the space of twelve months or if the company shall at any such time make default in the observance and performance

performance of any of the agreements, conditions and stipulations expressed or implied herein then and in any such case the corporation may determine and put an end to the lease hereinbefore mentioned and may re-enter and re-possess the said lands in the same manner to all intents and purposes as if such lease had expired by the effluxion of time.

In witness whereof the parties hereto have caused their corporate seals to be hereunto affixed and the hands of their proper officers to be set.

Signed, sealed and delivered in the presence of :

(Signed) PIGEON RIVER LUMBER Co.

Per H. FINGER,

Manager.

(Signed) I. L. MATTHEWS.

The Corporations of the Town of Port Arthur

J. McTEIGUE,

Clerk.

## SCHEDULE B.

### TOWN OF PORT ARTHUR.

*No. 591.*

By-law to raise the further sum of \$30,000.00 to complete the Current River water power development works.

Whereas under the authority of By-law No. 572 of this Corporation passed on the 25th day of February, 1901, and intituled "By-law to provide for the development of the water power of Current River, in the Town of Port Arthur, and the extension of the electric lighting plant of the town and to authorize the issue of debentures to the amount of thirty thousand dollars," the Council of the Town of Port Arthur is proceeding with the construction of the necessary works and improvements therein mentioned ;

And whereas it has been found that the said sum of \$30,000 authorized to be expended for such purpose by the said By-law is not sufficient for the completion of the said works ;

And whereas it is expedient and necessary to raise the further sum of \$30,000.00 for the completion of the same ;

And whereas it will require the sum of \$2,507.45 to be raised annually by a special rate on the whole rateable property of the Town of Port Arthur for the paying of the said sum of \$30,000.00 and interest on the debentures to be issued therefor, of which the sum of \$1,500.00 will be for interest and the sum of \$1,007.45 for a sinking fund from which to pay the said debentures ;

And whereas the amount of the whole rateable property of the said Town of Port Arthur, according to the last revised assessment roll, is \$1,483,828, of which \$304,702 is wholly exempt from taxation and \$79,027 is exempt except for school taxes ;

And whereas the amount of the existing debenture debt of the said Town of Port Arthur is \$331,250.00 exclusive of local improvement debts secured by special acts, rates or assessments, and there is no part of the principal or interest in arrear ;

Therefore the Council of the corporation of the Town of Port Arthur enacts as follows :—

1. That the construction and completion of the works and improvements, and the additions to and the extensions of the electric lighting plant and electric power of the town, as mentioned in the said By-law No. 572, in such manner as the Council of the said town may consider expedient or necessary, is hereby authorized.

2.



2. That for the purposes aforesaid it shall be lawful for the Mayor of the said corporation and he is hereby authorized and empowered to cause any number of debentures of the said corporation of the Town of Port Arthur to be made, executed and issued, in sums of not less than \$100 each, and not exceeding in the whole the said sum of \$30,000.00 which said debentures shall be signed by the Mayor of the said corporation for the time being and countersigned by the Treasurer for the time being of the said corporation, and duly sealed with the corporate seal thereof.

3. That the said debentures shall bear date upon and be made payable in twenty years from the first day of January, 1902, at the Ontario Bank at the City of Toronto.

4. That the said debentures shall bear interest at and after the rate of five per centum per annum from the date thereof, and such interest shall be made payable half yearly, namely, on the first day of July and the first day of January in each and every year during the currency of the said debentures at the said Ontario Bank at Toronto, and such debentures shall have attached thereto coupons for such half yearly interest.

5. For the purpose of paying the said debt hereby created and the interest on the debentures to be issued therefor as aforesaid the sum of \$2,507.45 shall be raised, levied and collected in each year, of and from the whole rateable property of the said Town or Port Arthur by an equal special rate in addition to all other rates during the continuance of such debentures, of which the sum of \$1,500.00 shall be for such interest, and the sum of \$1,007.45 for a sinking fund for the ultimate payment of such debentures.

6. That the debentures issued under this By-law, with the debentures issued under the said By-law No. 572, and with the debentures issued by the Town of Port Arthur for the purpose of purchasing the electric lighting property and plant, now the property of the Town of Port Arthur, or for extending and operating the same, shall be a first preferential charge or lien on the said electric lighting property and plant of the Town of Port Arthur, and shall also be a first charge or lien on the net income derived from operating the said property and plant.

7. That this By-law shall come into force on the day of the final passing thereof.

8. The votes of such of the electors of the said Town of Port Arthur as are entitled to vote thereon shall be taken on this By-law on Wednesday, the eleventh day of September, 1901, commencing at nine o'clock in the morning and continuing until five o'clock in the afternoon, at the following places and by the Deputy Returning Officers hereinafter mentioned, that is to say;

Polling subdivision No. 1, embracing all that part of the Town of Port Arthur known as the first ward, at the Council Chamber on Park street, by Mr. William H. Hesson as Deputy Returning Officer.

Polling subdivision No. 2, embracing all that part of the Town of Port Arthur known as the second ward, at Lot 5, west side of Cumberland street, by Mr. W. A. McCallum as Deputy Returning Officer.

Polling subdivision No. 3, embracing all that part of the Town of Port Arthur known as the third ward, at Mr. A. L. Russel's office, on part of Lot 2, north side of Cameron street, by Mr. William Powley as Deputy Returning Officer.

9. On Monday, the ninth day of September, 1901, at his office in the Council Chamber on Park street in the Town of Port Arthur, at eleven o'clock in the forenoon, the Mayor shall, in writing signed by him, appoint two persons to attend at the final summing up of the votes by the Clerk of this Corporation, and one person to attend at each polling place on behalf of the persons interested in and desirous of promoting the passing of this By-law, and a like number on behalf of the persons interested in and desirous of opposing the passing of this By-law respectively.

10. The twelfth day of September, 1901, at the Council Chamber aforesaid at twelve o'clock at noon is hereby appointed for the summing up by the Clerk of this corporation of the number of votes given for and against this By-law respectively.

Council Chamber, Port Arthur, 14th day of Oct., 1901.

(Sigd.)

I. L. MATTHEWS,  
Mayor.  
J. McTEIQUE,  
Clerk.

## SCHEDULE C.

TOWN OF PORT ARTHUR.

No. 615.

By-law to construct, maintain and operate a Telephone Business and Service.

Whereas, by section 570 of *The Municipal Act*, being chapter 223 of R.S.O., 1897, power is given to the councils in cities and towns to construct, maintain and operate a telephone business and service and to issue debentures therefore, payable at any time not exceeding thirty years nor less than five years.

And whereas it is deemed advisable to construct, maintain and operate such telephone business and service in the Town of Port Arthur, and to provide for the issue of debentures to the amount of \$12,000 for such purpose ;

And whereas it will require the sum of \$813.96 to be raised annually by a special rate on the whole rateable property of the said Town of Port Arthur for the paying of the said sum of \$12,000, and interest on the debentures to be issued therefor, of which the sum of \$600.00 will be for interest and the sum of \$213 96 for a sinking fund from which to pay the said debentures ;

And whereas the amount of the whole rateable property of the said Town of Port Arthur, according to the last revised assessment roll, is \$1,438,828.00 of which \$304,702.00 is wholly exempt from taxation and \$79,027.00 is exempt except for school taxes.

And whereas the amount of the existing debenture debt of the said Town of Port Arthur is \$367,250 00, exclusive of local improvement debts secured by special Acts, rates or assessments, and there is no part of the principal or interest in arrear ;

Therefore the Council of the corporation of the Town of Port Arthur enacts as follows :

1. The building, construction, purchase, leasing or renting of all works, lands, buildings, plant, machinery, conduits, materials, equipment, apparatus and appurtenances necessary for the construction, maintenance and operation of the said telephone business and service, or thereto belonging or appertaining or that may be properly used therewith, and the maintenance and operation thereof, is hereby authorized.

2. That for the purposes aforesaid it shall be lawful for the Mayor of the said corporation, and he is hereby authorized and empowered to cause any number of debentures of the said corporation of the Town of Port Arthur to be made, executed and issued, in sums of not less than one hundred dollars each and not exceeding in the whole the said sum of \$12,000, which said debentures shall be signed by the Mayor of the said corporation for the time being and countersigned by the Treasurer for the time being of the said corporation, and duly sealed with the corporate seal thereof.

3.

3. That the said debentures shall bear date upon and be made payable in thirty years from the day hereinafter appointed for the coming into force of this By-law at the Ontario Bank at the City of Toronto.

4. That the said debentures shall bear interest at and after the rate of five per centum per annum from the date thereof, and such interest shall be made payable half yearly, namely, on the first day of January and on the first day of July in each and every year during the currency of the said debentures at the said Ontario Bank of Toronto, and such debentures shall have attached thereto coupons for such half yearly interest.

5. For the purpose of paying the said debt hereby created and the interest on the said debentures to be issued therefor as aforesaid the sum of \$813.96 shall be raised, levied and collected in each year of and from the whole rateable property of the said Town of Port Arthur by an equal special rate in addition to all other rates during the continuance of such debentures, of which the sum of \$600.00 shall be for such interest, and the sum of \$213.96 for a sinking fund for the ultimate payment of such debentures.

6. The debentures issued under this By-law shall be a first preferential charge or lien on the said telephone property and plant and shall also be a first charge or lien on the net income derived from operating the same.

7. This By-law shall come into force on the day of the final passing thereof.

8. The votes of such of the electors of the said Town of Port Arthur as are entitled to vote thereon shall be taken on this By-law on Wednesday, the fourteenth day of May, 1902, commencing at nine o'clock in the morning and continuing until five o'clock in the afternoon at the following places and by the Deputy Returning Officers hereinafter mentioned, that is to say :

#### POLLING SUBDIVISION No. 1.

Embracing all that part of the Town of Port Arthur known as the first ward, at the Council Chamber, on Park Street, by Thos. I. Roberts, as Deputy Returning Officer.

#### POLLING SUBDIVISION, No. 2.

Embracing all that part of the Town of Port Arthur known as the second ward, at McCutcheon's paint shop, on part of lot 9 on the east side of Cumberland Street, by W. H. Hesson, Deputy Returning Officer.

#### POLLING SUBDIVISION No. 3.

Embracing all that part of the Town of Port Arthur known as the third ward, at A. L. Russell's office, on part of lot 2, on the north side of Cameron Street, by R. E. Mitchell, Deputy Returning Officer.

9. On Monday, the twelfth day of May, 1902, at his office in the Council Chamber in the Town of Port Arthur, at eleven o'clock in the forenoon, the Mayor shall, in writing signed by him, appoint two persons to attend at the final summing up of the votes by the Clerk of this Corporation, and one person to attend at each polling place on behalf of the persons interested in and desirous of promoting the passing of this By-law, and a like number on behalf of the persons interested in and desirous of opposing the passing of this By-law respectively.

10. The fifteenth day of May, 1902, at the Council Chamber aforesaid at 12 o'clock at noon, is hereby appointed for the summing up by the Clerk of this Corporation of the number of votes given for and against this By-law respectively.

Finally passed this 27th day of May, 1902.

(Sgd.) J. L. MATTHEWS.

Mayor.

T. McTEIGUE,

Clerk.

CHAPTER



## CHAPTER 77.

## An Act respecting the Town of Rat Portage.

*Assented to 12th June, 1903.*

WHEREAS the Municipal Corporation of the Town of Rat Portage has by petition prayed that an Act be passed to confirm and legalize all sales of lands for taxes heretofore made by the said municipality pursuant to the provisions of *The Assessment Act*, and all proceedings had and taken in connection therewith, and also to confirm, validate and legalize the several assessment and collectors' rolls of the said municipal corporation for the years 1898, 1899, 1900, 1901 and 1902, and all proceedings had and taken thereunder and thereon, and no objection thereto has been made on the part of any ratepayers of the said municipal corporation; and has further petitioned that an Act be passed to ratify, confirm and legalize a certain agreement made and entered into between the Municipal Corporation of the Town of Rat Portage and The Citizens' Telephone and Electric Company of Rat Portage, Limited, and bearing date the seventh day of April, 1902, providing for the purchase by the said town of the electric light, telephone and fire alarm system and works of The Citizens' Telephone and Electric Company of Rat Portage, Limited, and a further agreement made between the said parties and bearing date the twenty-eighth day of April, 1903, whereby the time for payment of the moneys payable under the above recited agreement is extended for a period of two months; and to legalize and confirm By-law No. 325 of the said municipal corporation providing for the issue of debentures to carry out the terms of the said agreements; and to authorize the said municipal corporation to exercise all the rights, powers and privileges mentioned and set forth in subsections (a), (b), (c), (d), (e), (f), (g) and (h) of section 2, of the Act passed in the second year of the reign of His Majesty, chaptered 62; and for authority to acquire by purchase, expropriation proceedings or otherwise, and to hold, develop and improve water-power or water-powers within the said municipality, together with such lands as may be necessary and desirable for the purposes and objects of the said Act, and to confirm and legalize a by-law of the said municipal corporation in reference thereto; and also, without the assent of the electors of the said municipal corporation, to pass by-laws and issue debentures for the purpose of raising the money necessary for the purposes aforesaid, or any of them; and whereas it is expedient to grant the prayer of the said petition;

Preamble.

Rev. Stat.  
c. 224.

Therefore

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Tax sales  
confirmed.

Rev. Stat.  
c. 224.

1. All sales of lands within the said town had before the first day of February A. D. 1901, and purporting to be made for arrears of taxes in respect of the lands so sold, are hereby validated and confirmed, notwithstanding any irregularity in the assessment or other proceedings for imposition of any taxes so in arrear, or any failure to comply with the requirements of *The Assessment Act* in regard to the manner in which any assessment roll or collectors' roll of the said town has been prepared, or in regard to the certifying or signing of the same or the making of any affidavit or oath required in connection therewith, or in regard to the time for return of any collectors' roll of the said town, or in regard to the furnishing, authenticating or depositing of any list of lands in arrear for taxes within the said town, or in regard to the mailing or notice to any person in respect to whose land any taxes appeared at any time to be in arrear, or in regard to any omission to levy the amount of any such taxes in arrear by distress and sale of goods, and notwithstanding any other failure or omission on the part of any official of the said town to comply with the requirements of the said Acts, and notwithstanding anything to the contrary in either of the said Acts contained.

Assessment  
rolls and col-  
lectors' rolls  
confirmed.

Rev. Stat.  
c. 224.

2. The assessment rolls and the collectors' rolls of the said Municipal Corporation for the years 1898, 1899, 1900 and 1901, the returns of unpaid taxes for the said years as required by section 152 of *The Assessment Act*, and all other proceedings had and taken under or by virtue of the said assessment and collectors' rolls for the said years respectively, are confirmed, validated and legalized, notwithstanding any failure or omission on the part of any official of the said town to comply with the requirements of *The Assessment Act* or *The Municipal Act*, or any other Statute in reference to the matters aforesaid.

Rev. Stat.  
c. 223.

Sales for  
taxes.

Rev. Stat.  
cc. 224, 223.

3. The Treasurer of the said Municipal Corporation is authorized, notwithstanding any irregularity in any of the proceedings heretofore had and taken in reference to the assessment or collection of taxes for the said years 1898, 1899, 1900 and 1901 or of any failure or omission of any official of the said municipal corporation to comply with any of the requirements of *The Assessment Act* or *The Municipal Act*, to proceed to sell under the provisions of *The Assessment Act*, any lands which are in arrears for taxes.

Agreements  
with Citizens'  
Telephone  
and Electric  
Co., con-  
firmed.

4. The agreements between the Municipal Corporation of the Town of Rat Portage and The Citizens' Telephone and Electric Company of Rat Portage, Limited, bearing date the

7th day of April, 1902, and the 28th day of April, A.D. 1903, set forth in Schedule A of this Act, are declared to be valid and binding on the parties thereto, and the said parties thereto are hereby empowered to do all acts necessary to give effect to the same.

5. By-law No. 325 of the Municipal Corporation of the Town of Rat Portage set forth in Schedule B of this Act, and the debentures, which have been or may hereafter be issued under or in pursuance of the provisions of the said by-law, are ratified and confirmed and declared legal, valid and binding upon the said municipal corporation and rate-payers thereof, notwithstanding any want of jurisdiction on the part of the said municipality to pass the said by-law, or to issue the said debentures, and notwithstanding any defect in the substance or in the form of the said by-law or debentures or in the manner of passing or issuing the same; and the Municipal Corporation of the Town of Rat Portage is authorized and empowered to issue debentures as authorized by the said by-law; and all debentures issued under the said by-law are hereby declared valid and binding upon the said municipal corporation; and the said municipal corporation is hereby authorized and empowered to do all acts and things necessary for the full and proper carrying out of the said By-law No. 325. By-law No. 325 confirmed.

6. The said municipal corporation shall have, and the said corporation is hereby authorized to exercise and enjoy all the powers, rights and privileges mentioned and set forth in subsections (a), (b), (c), (d), (e), (f), (g) and (h), and subsection 2 of section 2 of Chapter 62, 2 Edward VII, known as *An Act respecting The Town of Rat Portage*. Powers under 2 Edw. VII. c. 62.

7. The said municipal corporation shall, subject as herein-after provided, have authority and power for the following purposes, namely: Powers of Corporation as to power works.

(1) To acquire any power works already constructed or in process of construction, and all property, rights and franchises connected therewith, and to extend, improve and enlarge the same as may be required for its purposes. Acquiring works already constructed.

(2) To acquire lands or lands covered with water, water powers, rights and privileges, and erect, use and manage works, machinery and plant for the generation, transmission and distribution of electrical and other power and energy. Acquiring land and water privileges.

(3) To acquire and utilize water and steam power for the purpose of compressing air or generating electricity, and to sell, dispose of and distribute the same either as water power or other power, or by converting the same into electricity or other form for any purpose for which electrical or other power can be used. Water and steam power.



Supplying  
power to con-  
sumers.

(4) To supply hydraulic, electric or other power by means of cables, machinery or other appliances, and at such rates and upon such conditions as may be agreed upon, and also in lieu of developing and producing power to contract with and purchase from any other corporation or company producing power at any point, or points, such supply thereof as may be required for the purposes of the said municipal corporation upon terms to be agreed upon between the said municipal corporation and such producers.

Works for pro-  
duction and  
distribution.

(5) To acquire, construct, maintain and operate works for the development, production, transmission, transformation, sale and distribution of electricity and power for any purpose for which such electricity or power can be used, including heat and light, and to construct, maintain and operate lines of wire, poles, tunnels, conduits and other works in the manner and to the extent required for the corporate purposes of the said municipal corporation, and to conduct, store, sell and supply electricity and other power, and with such lines of wire, poles, conduits, motors or other conductors or devices, to conduct, convey, furnish or receive such electricity to or from any person at any place through, over, along, across any public highway, bridges, viaducts, railways, water courses, or over or under any waters; and to enter upon any lands on either side of such lines or conduits, and fell or remove any trees or bushes thereon, or other obstructions necessary in the opinion of the engineer of the said municipal corporation to guard the safety of such lines or conduits; and the said municipal corporation may enter upon any private property, and survey, set off and take such parts thereof as are necessary for such works and for such lines of wire, poles or conduits; and in case of a disagreement between the said municipal corporation and any owner and occupier of lands which the said municipal corporation may take for any of the purposes aforesaid, or in respect of any damages done thereto by constructing the said lines, poles or conduits upon the same, the provisions of *The Railway Act of Ontario* hereinafter incorporated shall apply.

Rev. Stat.  
c. 207.

Means of  
transmission.

(6) To erect poles, construct trenches and conduits, and do all other things necessary for the transmission of power, heat or light as fully and effectually as the circumstances of the case may require, provided the same are so constructed as not to incommode the public use of the streets, highways or public places, or to impede the access to any house or other building erected in the vicinity thereof, or to interrupt the navigation of any waters; and the said municipal corporation shall be responsible for all the damage which it causes in carrying out or maintaining any of its said works.

Construction  
of work by  
sections.

(7) To make the surveys and levels of the lands through or under which the said works are to pass or to be operated, together with the map or plan thereof, and of the course and direction

direction of the said works and of the lands intended to be passed through or under, so far as then ascertained, and also the book of reference for the work, and deposit the same as required by *The Railway Act of Ontario* with respect to plans and surveys by sections or portions less than the whole length of the said works, and of such length as the said municipal corporation from time to time see fit; and upon such deposit as aforesaid of the map or plan and book of reference of any and each of such sections or portions of the said works, all the sections of *The Railway Act of Ontario* applicable thereto shall apply to each of such sections as fully and effectually as if the said surveys and levels had been taken and made of the lands through or under which the whole of the said works are or were to pass, together with the map or plan of the whole thereof and of their whole course and direction, and as fully as if the book of reference for the whole of said works had been taken, made and examined, certified and deposited according to the said sections of *The Railway Act of Ontario*.

Rev. Stat.  
c. 207.

8. The said municipal corporation shall have power to employ and appoint engineers, surveyors, officers and other persons, and to rent or purchase such lands and purchase or erect such buildings for office and other purposes, as in its opinion may be necessary to enable the said municipal corporation to fulfil its duties under the provisions of this Act.

Appointing  
officers and  
acquiring  
property.

9. The said municipal corporation shall have power from time to time to make and enforce all necessary by-laws, rules and regulations for the general maintenance and management and the conduct of the said power, electric light, telephone and fire alarm service, and other works, officers and others employed by them not inconsistent with this Act, for regulating and fixing the prices, rents and rates to be charged for the use of power, heat and light, telephone and fire alarm service supplied by the said municipal corporation to the takers and users thereof, and the times when, and the places where the same shall be payable, also for allowing a discount for prepayment, and in case of default for cutting off the supply of such power, light, telephone or fire alarm service.

By-laws and  
regulations.

10. If any person or corporation supplied with power, light, telephone or fire alarm service by the said municipal corporation shall neglect to pay any rent or rate due to the said municipal corporation therefor at any of the times of payment thereof it shall be lawful for the said municipal corporation or any person acting under its authority to stop the power, light, telephone or fire alarm service from entering the premises of such person, by cutting off the connection therewith or by such other means as the said municipal corporation shall see fit, and the said municipal corporation may recover the rent or rate due from such person together with the expenses

Non-payment  
of rents—stop-  
ping supply.

Rev. Stat.  
c. 224.

penses of cutting off the power, electric light, telephone or fire alarm service by distress as for rent or taxes in arrears, and for such purposes the said municipal corporation and its collectors shall have all the powers of a municipal corporation and its officers, under the provisions of *The Assessment Act* respecting the collection of taxes in arrear and unpaid, or they may recover the same with such expenses and cost aforesaid in any court of competent jurisdiction in this Province.

Fences and  
gates

11. The said municipal corporation shall erect and maintain on each side of the land purchased or expropriated by it for its purpose in connection with said works, fences, and gates, as fully as required by *The Railway Act of Ontario*, and for this purpose section 30 of the said *Railway Act* shall apply as far as practicable.

Rev. Stat.  
c. 207.

Works to be  
self-sustaining

12. In determining and fixing the rate or price to be charged to the takers and users thereof for electrical or other power, the said municipal corporation shall make all due allowances for operating expenses and the maintenance, repair, renewal and improvement of the said works, the payment of the interest and sinking fund, or the instalments of the debenture debt and all other proper charges and allowances to the end that the said works shall be self-sustaining and the operation and maintenance thereof shall not impose any ultimate liability or charge upon the said municipal corporation. Provided always that in case in any year the amount of revenue from the said works shall prove insufficient to meet the payments falling due for principal or interest on debentures issued therefor the deficiency shall be made good as soon as possible thereafter.

Proviso.

Interference  
with workers  
or officers.

13. If any person shall wilfully or maliciously hinder or interrupt, or cause or procure to be hindered or interrupted, the said municipal corporation or its officers, contractors, servants, agents or workmen, or any of them in the exercise of any of the powers or authorities in this Act authorized and contained, or commit any wilful damage or injury to the said works or any part thereof, or encourage the same to be done, every person offending in any of the cases aforesaid shall, on conviction thereof before any justice of the peace having jurisdiction in the locality wherein the offence shall be committed, forfeit and pay for every such offence the sum of twenty dollars, together with the costs of conviction, one-half to be applied to the use of the said municipal corporation, for power, light, telephone or fire alarm service purposes, and the other half to the person who shall lay the information; and in case the parties suing for the same shall be the said municipal corporation or any of its servants, officers or workmen, then the whole of said penalty shall be applied to the uses of the said municipal corporation, for power, light, telephone or fire alarm purposes, and such justice may also, in his discretion, further



further condemn such person to be confined in the common gaol of the county in which the offence is committed for a space of time not exceeding one calendar month, as to such justice may seem meet; and any person so offending shall be liable to an action at the suit of the said municipal corporation to make good any damage done by him.

14. If any person shall cause any connection to be made with any of the wires or other appliances or works of the corporation, or in any way obtain or use any power, heat or light from the same without the consent of the corporation, he shall forfeit or pay to the said municipal corporation, for power, light, telephone or fire alarm purposes, the sum of one hundred dollars, to be collected by action as aforesaid. Unauthorized connection with works.

15. If any action shall be brought against any person for anything done in pursuance of this Act, the same shall be brought within six calendar months next after the act is committed; or, in case there shall be a continuation of damages, then within one year after the original cause of action shall have arisen. Limitation of actions for things done under Act.

16. (1) The watchmen and other officers of the said municipal corporation when in the discharge of their duty shall be *ex-officio* possessed of all the powers and authority of officers of the peace. Watchmen etc., to be peace officers.

(2) The said municipal corporation shall not be liable for any damages caused by the breaking of any pole, wire, conduit, attachment or other appliances used in the distribution and supply of such electrical or other power, or for failure to supply such power to any taker or user when such failure has been caused by unavoidable accident or circumstances beyond the control of the corporation. Non-liability for failure in supply.

17. Sections 9, 10 and 13 to 20, both inclusive, and sections 81 to 86, both inclusive, of *The Railway Act of Ontario* shall, so far as applicable, apply to the said corporation and its undertakings as authorized by this Act, in so far as the said sections are not incompatible with the provisions of this Act and subject to the following:— Application of certain provisions of Rev. Stat. c. 207.

(a) Wherever in the said sections of *The Railway Act of Ontario* the words “company” and “directors” occur, they shall for the purposes of this Act mean the said municipal corporation and the municipal council thereof.

(b) Wherever in the said sections the word “railway” occurs it shall, unless the context otherwise requires and in so far as it applies to the provisions of this Act, mean the works, conduits, lines, cables or other works authorized by this Act to be constructed or acquired.

(c)

(c) Wherever in the said sections of *The Railway Act of Ontario* the word "land" occurs, it shall include any privilege or easement required by the said municipal corporation for constructing the works authorized by this Act or any portions thereof over and along any land without the necessity of acquiring a title in fee simple thereto.

Limitation of powers of expropriation.

18. The powers of expropriation by this Act granted to the said municipal corporation shall only be exercised in regard to the lands now occupied by the said municipal corporation and in regard to any other lands required for the development of power and the works authorized by this Act at that site, and the said powers shall not be deemed continuing powers to be hereafter exercised from time to time.

No authority to increase outflow of water from lake.

19. Nothing in this Act contained shall be construed as authorizing the said municipal corporation to withdraw from the Lake of the Woods a larger volume of water than the present natural flow of water in the east branch of the Winnipeg River at the outlet of the said lake into the said east branch of the said Winnipeg River.

Lease of water power to be obtained from the Crown.

20. No further development of the water power on the said east branch of the Winnipeg River shall be commenced until a lease of a water power shall have been obtained by the said municipal corporation from the Crown under the provisions of *The Act relating to Water Powers*, and the regulations made in pursuance thereof so far as applicable, but nothing in this section contained shall prevent the town from forthwith exercising the other powers granted by this Act.

61 V. c. 8.

Limitation of powers of expropriation.

21. The said municipal corporation shall not have any right to expropriate or take possession of any land or property of the Keewatin Power Company, Limited, save and except such as may be necessary to enable the said municipal corporation to construct a dam across the east branch of the Winnipeg River, together with the right to raise the level of the water of the said river, so far as may be necessary in developing the said power.

Town to retain possession of lands now occupied by works.

22. Until such time as the compensation to be paid therefor by the said municipal corporation under the provisions of this Act has been fixed and determined, and the said municipal corporation becomes entitled to the possession of the same under the provisions of this Act, the said municipal corporation shall be entitled to retain possession of the lands now occupied by the said municipal corporation for the purpose of developing and transmitting power for supplying the said town with electric light, telephone and fire alarm service, the said municipal corporation yielding and paying therefor from the date on which the said municipal corporation took possession of the said lands such sum in addition to the price or compensation payable

payable for the said lands, as may be agreed upon between the said municipal corporation and the owners thereof, or as may be fixed by arbitration in the same manner and at the same time as the compensation to be paid for the said lands is fixed and determined under the provisions of this Act.

23. The council of the said municipal corporation may at any time hereafter, without submitting the by-law to the ratepayers, pass a by-law for borrowing the money necessary to pay the purchase price for all water-powers, water-privileges and lands acquired under this Act, and all costs, charges and expenses in connection therewith and all other costs, charges and expenses to which the said municipal corporation may be put or sustain in connection therewith, and may levy a special rate therefor, and may, without the vote of the ratepayers, issue debentures of the said municipal corporation for the purpose of raising the moneys necessary for the purposes aforesaid, or any of them, or for securing the debt incurred in paying the said purchase price, costs and expenses or any part thereof.

Borrowing  
necessary  
funds.

### SCHEDULE A.

Memorandum of Agreement made this 7th day of April, A.D. 1902, between the Corporation of the Town of Rat Portage, hereinafter called "The Corporation," of the First Part, and The Citizens' Telephone and Electric Company of Rat Portage (Limited), hereinafter called "The Company," of the Second Part, witnesseth :—

1. The Company agrees to sell and the Corporation agrees to buy all the works of the Company and all rights and property used in connection therewith for the purpose of supplying electric light, heat and power, or for the purpose of supplying telephone or fire-alarm service, including electrical appliances in stock as described in clause 2 hereof whether the works or property or any of them are within or without the municipality.

2. The value of the works, rights and property of the said Company as aforesaid, save as hereinafter expressly provided, shall be determined in accordance with the provisions of *The Municipal Act*, section 566, subsection 4, s.s. A (3), and the provisions of this agreement, and the said subsection shall for the purpose of this agreement apply to the telephone and fire-alarm branch of the Company equally in all respects as if the said subsection specifically covered a telephone and fire-alarm service. All electrical appliances for the Company's own use, being extra parts on hand not in actual use and all electrical appliances on hand for sale shall be taken at net cost, including freight, subject to proper deduction if same have become old or obsolete or otherwise impaired in value, and the addition of 12½ per cent. as hereinafter provided shall not apply or be added thereto.

3. The monies due and payable to the Company for light, heat, power, telephone, or fire-alarm service furnished or rendered by it prior to the first day of May, A.D. 1902, shall remain the property of the Company and shall be collected by it.



4. All monies accruing due but not yet payable to the Company in respect of light, heat, power, telephone or fire-alarm service furnished or rendered by the Company prior to the first day of May, A.D. 1902, shall become the property of the Corporation and shall be paid for forthwith by the Corporation to the Company (without the addition of any percentage) less any sum payable by the Company to the Corporation in respect of telephone service prepaid, the adjustment in each case to be made as of the first day of May, A.D. 1902.

5. All existing contracts of the Company with respect to the supplying of light, heat, power, telephone and fire-alarm service (except such contracts as shall not be fair and reasonable having regard to the current rates charged and other contracts of a similar kind) shall be assumed and carried out by the Corporation, and the Corporation hereby indemnifies the Company against all loss, costs or damages that the Company may be put to or sustain by reason of the said agreements, contracts or any of them not being carried out by the Corporation from the first day of May, A.D. 1902, or such later date as the Corporation shall take possession.

6. The price to be paid by the Corporation to the Company shall be the actual value of the works and property of the Company as determined by the valuers as hereinafter mentioned with twelve and one-half per centum added, except as hereinbefore provided, to cover the value of the good-will, franchises, contracts, etc., it being specially understood that no allowance save as herein provided, shall be made for any existing contracts whether between the Company and the Corporation, or between the Company and others, nor for franchises or good-will or rights, nor shall the price or value of the shares of the Company be considered as an element in determining such value or price.

7. The procedure to determine the amount of purchase price shall be as follows:—Two expert valuers shall forthwith be appointed, one by the Company and one by the Corporation. The said valuers shall meet and examine all the assets of the Company, and shall place their own valuation thereon solely from an examination of such assets, without calling witnesses or taking evidence, and such valuation shall be made solely on the basis aforesaid, and every facility shall be afforded by each of the parties aforesaid to the said valuers, to assist them in arriving at a just and true valuation.

If either of the said valuers so desire, they may be accompanied by two representatives or shewers, one appointed by the Corporation, and one appointed by the Company.

In the event of any dispute arising between the two valuers, or in case they fail to agree on a valuation, Mr. H. N. Ruttan, City Engineer, Winnipeg, is hereby agreed upon as a third valuator, and the points in dispute, or the sum to be paid, shall be determined by a majority of the three valuers so appointed.

In case the said Ruttan is unable or unwilling to act as said third valuator, then the valuers appointed by the parties hereto shall appoint a third expert valuator, and in the event of the said valuers being unable to agree on a third valuator, the same shall be appointed by the local Judge at Rat Portage, and any points in dispute, or the sum to be paid, shall be determined by a majority of the three valuers so appointed.

8. The valuers shall be at liberty to inspect all invoices, statements of account and vouchers of either of the parties for the purpose of assisting them in arriving at a satisfactory valuation, and the same shall be produced to them, or any of them, by the parties hereto upon request for the purpose aforesaid. The valuers shall also hear the parties on their respective contentions, either in person or by counsel. But nothing in this clause contained shall be taken to infringe the provisions above written, that no witnesses or evidence shall be taken or heard.

Each party shall bear and pay the charges and expenses of their respective valuers, and shall each bear and pay one-half of the charges and expenses of the third valuator, if one is appointed.

There

There shall be no appeal from the valuation of the valuator.

The valuator shall proceed without delay to the making of their valuation, and shall do so within three months from the date hereof.

In all respects not herein specially provided the clauses of the *Act Respecting Arbitration and References*, R. S. O., Chapter 62, (excepting thereout clauses 16 to 44 inclusive) shall apply.

9. The valuator, in determining the value of the works, rights and property of the Company, shall not make any allowance for the value of the Company's rights under any lease or agreement with the Hudson's Bay Company, or any rights the Company may have in or with respect to, or in connection with the water power now being used by it, nor for such works or property as under the terms of any existing lease or agreement revert on its expiry to the Hudson's Bay Company, but save as aforesaid, the works and the property of the Company shall be valued as if the Company had a current lease of the lands, property and rights of the Hudson's Bay Company, now occupied and enjoyed by them.

10. The Corporation may, as soon as the valuator have made their valuation or award, and shall not later than one month thereafter, take all necessary steps to levy a special rate and to pass a proper by-law and to issue debentures of the Town of Rat Portage for the purpose of realizing the amount necessary to pay the said price so awarded, and having taken such steps as aforesaid, they shall within one month after the date when it is legally possible to pass such by-law, and not in any event later than the first day of May, 1903, pay to the Company the purchase price as above provided, together with interest as in the next succeeding clause set forth, which purchase price and interest shall at the said date become due and payable by the Corporation to the Company.

11. On the first day of May, 1902, the Company shall open an entire and complete new set of books in connection with its business, and shall thereafter continue to carry on all its business in such new set of books, and from and after the said first day of May, 1902, shall account to the Corporation for all receipts, revenues and profits derived therefrom or in connection therewith, less all operating expenses connected therewith (save as hereinafter provided), to which books as well as all other writings, documents, etc., connected with said business carried on after said date, the Corporation by its Mayor, acting Mayor or Clerk, or by such other person as may from time to time be authorized by resolution, shall at all reasonable times have access.

Adjustments shall be made at time of payment of the purchase price ascertained by the valuator. The Corporation shall from the first day of May, 1902, pay to the Company, interest at the rate of six per centum per annum on the balance of the purchase price until payment.

It is understood and agreed that in connection with the costs and expenses of carrying on the business after the first day of May, 1902, no salary for management thereof shall be chargeable against the Corporation for the period of two months from said date, but that from and after the first day of July, 1902, until possession shall be taken by the Corporation as in the next succeeding section provided, the Corporation shall be chargeable with and shall allow to the Company the sum of \$50.00 per month on account of the salary of a manager in connection with the expenses of operating and carrying on the business.

12. As soon as the amount to be paid by the Corporation to the Company, ascertained as aforesaid, has been paid or secured to the satisfaction of the Company (and not before) the Corporation may enter into and take possession of the said works of the Company, and of all property owned or used in connection therewith for the purpose of supplying electric light, heat and power and for supplying telephone and fire-alarm service, whether the works or property or any of them are within or without the Municipality, and concurrently with payment by the Corporation to the Company of the full purchase price as aforesaid,  
the

the Company shall at its own expense execute and deliver to the Corporation proper transfers, deeds and conveyances to vest the said works, property and rights in the Corporation.

13. Until the first day of May, 1902, the Company shall retain and operate its plant and works under existing agreements, but shall thereafter operate the same on behalf and for the benefit of the Corporation and shall account to the Corporation as hereinbefore provided.

14. The Council of the Corporation may at any time hereafter without submitting the by-law to the ratepayers, pass a by-law for the borrowing of the money necessary to pay the purchase price and all other costs, charges and expenses to which the Corporation may be put in connection herewith, and may levy a special rate, and may issue debentures of the Town of Rat Portage for the purpose of securing the debt incurred in paying the said purchase price, costs and expenses.

The parties hereto each covenant and agree to use their best endeavours to secure the passage of any Act of the Legislature that may be necessary to ratify and sanction this agreement, and to authorize the Corporation to carry out the same in all respects, and to issue debentures and levy a special rate for that purpose.

15. Upon the Corporation taking possession of the works and property of the Company, the Company shall hand over to the Corporation the books of the Company shewing the business firms or corporations with which the Company is dealing, or shall furnish to the Corporation a copy thereof so far as the same may be necessary to fully inform the Corporation as to the business carried on by the Company.

16. Upon possession being taken, as aforesaid, the Company shall, until its business is wound up, give to the Corporation access at all reasonable times to any letters, books or invoices of the Company or such other books or documents of the Company as shall be found reasonably necessary to enable the Corporation to carry on said business.

17. Any difference arising as to the carrying out of clauses 15 and 16 or to the transfers, deeds or conveyances mentioned in clause 12 shall be determined summarily by the Local Judge at Rat Portage.

18. Each party shall bear their own costs of all litigation heretofore incurred between them both in the High Court and in the Court of Appeal, and the actions and appeals now pending shall be dismissed, and the judgments (if any) now entered shall be vacated and no costs shall be payable by either party to the other.

19. The Company will forthwith after the execution of this agreement furnish and deliver to the Corporation a full and complete inventory of all the aforesaid works, rights and property.

In witness whereof the parties have hereunto set their separate seals by the hand of their respective officers on the day and year first above written.

Signed, sealed and delivered in  
the presence of

T. R. FERGUSON.

[Seal.]

[Seal.]

D. C. CAMERON,

Mayor.

D. H. CURRIE,

Town Clerk.

A. CARMICHAEL,

President.

A. MORE,

Secretary.



SCHEDULE A.—(*Continued.*)

This Agreement made the 28th day of April, A.D. 1903, between, The Corporation of the Town of Rat Portage, hereinafter called "The Corporation" of the First Part, and The Citizens' Telephone & Electric Company of Rat Portage, Limited, hereinafter called "The Company" of the Second Part.

Whereas under and by virtue of an agreement entered into between the parties hereto bearing date the 7th day of April, A.D. 1902, the Company agreed to sell and the Corporation agreed to buy all the works, rights and property to be used in connection with their electric light, heat and telephone power and fire alarm system, at a price to be determined by valuers, as therein provided, to be paid by the Corporation to the Company on or before the first day of May, 1903;

And whereas the Corporation has requested the Company to extend the time for payment of the said price, which the said Company has agreed to do;

Now therefore this agreement witnesseth that it is agreed between the parties hereto that the time for payment of the purchase price, as provided in the said agreement of April 7th, 1902, shall be extended and that the said price shall become due and payable with interest as provided by the said agreement on the first day of July, A.D. 1903, subject to the provisions and conditions contained in the said agreement; and in consideration of such extension of time the Corporation covenants with the Company that it will pay to the Company the said purchase price on or before the said first day of July, 1903, subject to the provisions and conditions contained in the said agreement of April 7th, 1902, and also all charges and expenses of and incidental to the preparation and execution of these presents.

And the parties hereto do hereby covenant and agree to use their best endeavours to secure the passage of any Act of the Legislature that may be necessary to ratify and sanction the said agreement of April 7th, 1902, and also this agreement, and to authorize the Corporation to carry out the same in all respects.

In witness whereof the parties hereto have hereunto set their corporate seals by the hand of their respective officers on the day and year first above written.

Signed, sealed and delivered  
in the presence of  
As to signatures of W. G. Cameron  
and D. H. Currie  
ALLAN McLENNAN.  
As to signatures of Angus Carmichael  
and A. More.  
ALLAN McLENNAN.

W. G. CAMERON,  
Acting Mayor.  
D. H. CURRIE,  
Clerk.  
A. CARMICHAEL,  
President.  
A. MORE,  
Secretary.

## SCHEDULE B.

## BY-LAW No. 325.

A By-law to authorize the issue of debentures of the Town of Rat Portage to the amount of sixty-five thousand dollars and to raise the sum required therefor for the purpose of acquiring from the Citizens' Telephone and Electric Company, Limited, its electric light and telephone system.

Whereas by an Act of the Legislature of the Province of Ontario passed in the second year of the reign of His Majesty King Edward the Seventh entitled *An Act respecting the Town of Rat Portage*, the Municipal Corporation of the Town of Rat Portage was upon the terms and conditions therein mentioned authorized and empowered to acquire from the Citizens' Telephone and Electric Company of Rat Portage, Limited, its electric and telephone system and to carry on the same under the provisions of the said Act.

And whereas it has been deemed expedient for the Corporation to acquire and carry on the same as aforesaid.

And whereas an agreement has been made dated the seventh day of April, A.D. 1902, between the said Company and the said Corporation for the purchase by the Corporation from the Company of its said electric and telephone system for the price and upon the terms and conditions as therein fully set out.

And whereas the Municipal Council of the Corporation by resolution evidenced under its corporate seal elected to avail itself of the provisions of the said Act as authorized by the said agreement and has delivered a duplicate original of the said resolution to the President of the said Company as provided by the 2nd section thereof and has otherwise fully carried out all the terms and conditions of the said Act.

And whereas the purchase price or sum to be paid in accordance with the said agreement has been fixed and determined by the valuers appointed thereunder at fifty-eight thousand one hundred and twenty-nine dollars and thirty cents (\$58,129.30) which sum is to be paid to the said Company under the terms of the said agreement on or before the first day of May, A.D., 1903, with interest at the rate of six per cent. per annum from the first day of May, A.D. 1902, the Corporation to receive as against such interest, the revenue of the said telephone and electric system from the same date, less the costs of operating, maintaining and renewing the said works, as therein fully set out.

And whereas for the purpose of carrying out such purchase it will be necessary to borrow the sum of sixty-five thousand dollars (\$65,000.00) by issue of debentures of the said Corporation for the said sum as hereinafter provided, which is the amount of the debt intended to be created by this by-law.

And whereas it is provided by Section 15 of Schedule B of the said Act that the Council of the Corporation may at any time thereafter without submitting a by-law to the ratepayers, pass a by-law for the borrowing of the money necessary to pay the purchase money and all other costs, charges and expenses to which the Corporation may be put in connection therewith, and may levy a special rate and may issue debentures of the Town of Rat Portage for the purpose of securing the debt incurred in paying the said purchase price, costs and expenses.

And whereas the total amount required to be raised annually by special rate for paying the said debt and interest is the sum of three thousand nine hundred and ninety dollars and forty-five cents (\$3,990.45).

And whereas the whole amount of the rateable property of the said Municipality according to the last revised assessment roll being for the year 1901 is one million, six hundred and seventy-two thousand, six hundred and seventy-three dollars (\$1,672,673.00).

And

And whereas the amount of the existing debt of the said Municipality is two hundred and sixty thousand, three hundred and ninety-seven dollars and twenty-nine cents (\$260,397.29) and there is no part of the principal or interest in arrears.

Therefore the Municipal Council of the Town of Rat Portage enacts as follows :

1. That it shall be lawful for the Mayor and Treasurer of the Town of Rat Portage and they are hereby authorized to raise by way of loan from any person, firm or company or corporation who may be willing to advance the same upon the credit of debentures issued under this By-law the sum of sixty-five thousand dollars (\$65,000.00) for the purposes and objects recited in this By-law.

2. That it may be lawful for the Mayor and Treasurer of the Town of Rat Portage and they are hereby authorized and required to issue debentures of the Town of Rat Portage to the amount of sixty-five thousand dollars (\$65,000.00) for the purposes aforesaid, which debentures shall be for the several amounts in the next section hereof and shall be sealed with the seal of the said Corporation and shall be signed by the Mayor or Head thereof for the time being and countersigned by the Treasurer thereof.

3. That the said debentures shall be made payable at the office of the Imperial Bank of Canada at the Town of Rat Portage and shall bear interest at the rate of four and one-half per centum per annum from the first day of August in the year of our Lord one thousand nine hundred and two, which interest shall be payable at the said Bank in the said Town of Rat Portage on the first day of August in each year, which debentures shall have attached to them coupons for the payment of the said interest and shall be for the amount and shall be payable on the days and times following, that is so say :—

	Prin.	Int.	Total.
On the First day of August, 1903..	\$1,065 45	\$2,925 00	\$3,990 45
" " " 1904..	1,113 40	2,877 05	3,990 45
" " " 1905..	1,163 50	2,826 95	3,990 45
" " " 1906..	1,215 85	2,774 60	3,990 45
" " " 1907..	1,270 57	2,719 88	3,990 45
" " " 1908..	1,327 74	2,662 71	3,990 45
" " " 1909..	1,387 49	2,602 96	3,990 45
" " " 1910..	1,449 93	2,540 52	3,990 55
" " " 1911..	1,515 18	2,475 27	3,990 45
" " " 1912..	1,583 36	2,407 09	3,990 45
" " " 1913..	1,654 61	2,335 84	3,990 45
" " " 1914..	1,729 07	2,261 38	3,990 45
" " " 1915..	1,806 88	2,183 57	3,990 45
" " " 1916..	1,888 19	2,102 66	3,990 45
" " " 1917..	1,973 15	2,017 30	3,990 45
" " " 1918..	2,061 95	1,928 50	3,990 45
" " " 1919..	2,154 73	1,875 32	3,990 45
" " " 1920..	2,251 70	1,738 75	3,990 45
" " " 1921..	2,353 02	1,637 40	3,990 45
" " " 1922..	2,458 91	1,531 54	3,990 45
" " " 1923..	2,569 56	1,420 89	3,990 45
" " " 1924..	2,685 19	1,305 26	3,990 45
" " " 1925..	2,806 03	1,184 42	3,990 45
" " " 1926..	2,932 30	1,058 15	3,990 45
" " " 1927..	3,064 25	926 20	3,990 45
" " " 1928..	3,202 14	788 31	3,990 45
" " " 1929..	3,346 24	644 21	3,990 45
" " " 1930..	3,496 82	493 63	3,990 45
" " " 1931..	3,654 18	336 27	3,990 45
" " " 1932..	3,818 61	171 84	3,990 45
	\$65,000 00	\$54,713 50	\$119,713 50



4. The said telephone and electric system and the lands acquired for the purposes thereof shall be specially charged with the repayment of the said sum of sixty-five thousand dollars (\$65,000.00), to be borrowed as aforesaid by the Corporation for the purpose of such purchase and for the debentures to be issued therefor, and the holders of such debentures shall have a preferential charge on the said lands, telephone and electric system and property appertaining thereto, and on all the revenue arising therefrom after providing for the expense attendant upon the operation and maintenance of the telephone and electric system for securing the payment of the said debentures and interest thereon. And the said debentures and interest shall also be a charge on the whole rateable property in the municipality.

5. (1) Subject to the provisions of sub-section 2 of this section for a period of thirty years commencing with the year 1902, during the currency of the debt, there shall be raised annually by a special rate on all rateable property in the municipality for the payment of the several instalments and interest accruing due on the said debt as the said instalments and interest become due and payable, according to the terms of this by-law, the sum of three thousand, nine hundred and ninety dollars and forty-five cents (\$3,990.45).

(2) Provided, however, that the revenue arising from the said telephone and electric system, as aforesaid, shall first be applied towards payments of such debt and interest, and after so applying the moneys arising from such revenue, less the expense of operating and maintaining, the council shall only be required to raise in each year by special rate on all rateable property in the municipality a sum sufficient with the moneys arising from such revenue to make up the said annual sum of three thousand, nine hundred and ninety dollars and forty-five cents (\$3,990.45) required for payment of the instalments, principal and interest of such debt.

6. The said moneys so borrowed shall be used and applied in payment of the purchase money, costs and expenses of the said telephone and electric system, and for no other purpose.

7. During the currency of this by-law no reduction shall be made on the tariff of charges for lighting in force at the passage hereof, which tariff is set forth in Schedule A hereto attached, unless and until the total annual revenue from the said telephone and electric system shall exceed by 10 per cent. of the total annual cost of maintenance and operation of the same including the payment of interest and principal of the debentures to be issued under this By-law.

8. That this By-law shall take effect on the first day of August in the year of our Lord one thousand nine hundred and two.

Done and Passed in open council this ninth day of June, A. D. 1903.

W. G. CAMERON.  
Acting Mayor.  
D. H. CURRIE,  
Town Clerk.

(SEAL.]

## SCHEDULE A TO BY-LAW No. 325.

Citizens Telephone & Electric Co., Limited, Lighting Tariff, adopted  
December 5th, 1899.

Commercial Uses.			Domestic Uses.		
No.	16 C. P.	8 C. P.	No.	16 C. P.	No. P. 8 C. P.
1.	\$ 1 00	Each if No. of 16	1.	\$ 0 55	After 4 16
2.	1 75	C. P. opposite	2.	1 00	C. P. are
3.	2 15	line are in use.	3.	1 35	in use.
4.	2 40		4.	1 80	
5.	3 00		5.	2 25	1. \$0 25
6.	3 60		6.	2 65	2. 50
7.	3 85		7.	3 05	3. 75
8.	4 40		8.	3 45	4. 1 00
9.	4 95		9.	3 85	5. 1 25
10.	5 50	\$0 30	10.	4 25	6. 1 50
11.	5 75	30	11.	4 60	7. 1 75
12.	6 00	30	12.	4 95	8. 2 00
13.	6 50	30	13.	5 30	9. 2 25
14.	7 00	30	14.	5 65	10. 2 50
15.	7 50	30	15.	5 95	11. 2 70
16.	7 98	30	16.	6 25	12. 2 90
17.	8 46	30	17.	6 55	13. 3 10
18.	8 94	30	18.	6 85	14. 3 30
19.	9 42	30	19.	7 15	15. 3 50
20.	9 90	25	20.	7 45	16. 3 70
21.	10 37	35	21.	7 75	17. 3 90
22.	10 84	25	22.	8 05	18. 4 10
23.	11 31	25	23.	8 35	19. 4 30
24.	11 78	25	24.	8 65	20. 4 50
25.	12 25	25	25.	8 95	21. 4 70
26.	12 70	25	26.	9 25	22. 4 90
27.	13 15	25	27.	9 55	23. 5 10
28.	13 60	25	28.	9 85	24. 5 30
29.	14 05	25	29.	10 15	25. 5 50
30.	14 50	25	30.	10 45	26. 5 70
Ea. ex.	45	25	Ea. ex.	30	Ea. ex. 20

Above rates are to midnight only ; all night lights are 15 cents per month extra.

An extra charge is made for winter lighting only.

All lighting rates are due on 1st of each month, and when paid on or before 10th, a discount of 5c per light is allowed, and when paid between the 10th and 20th, 2 cts. per light is allowed.

No allowance is made if any account due the Company for light or other business is in arrears.

J. A. McCrossan, Manager.

## CHAPTER 78.

## An Act respecting the City of St. Catharines.

*Assented to 12th June, 1903.*

## Preamble.

WHEREAS the Corporation of the City of St. Catharines and the Water Works Commission of the said city have by their petition represented, that the reservoirs, filtering basins, spillways and other permanent works of the water works system of the said city were constructed about twenty-five years ago and that portions thereof are now very much in need of renewal and repair, and that by reason of the increase in population of said city it has become necessary to lay down the main pipes of said waterworks system on additional streets in the said city and to continue the present main pipes, and that the said water works system is a revenue producing asset of said city and has prayed that the said corporation may be authorized to borrow the sum of \$40,000 for the purposes aforesaid upon the debentures of the said corporation payable in not more than thirty years from the date thereof; and whereas the said corporations have by their said petition asked that the said Water Works Commission may be empowered to charge the owners of vacant property, or of lands not built upon, fronting or abutting upon streets, lanes or alleys in, through or along which water mains run or are laid, and who do not use the water nor pay any price, rate or rent to the said commission for the use thereof in respect of said vacant property or lands not built upon, such rate or rent annually upon the assessed value of such vacant property, or lands not built upon, according to the last revised assessment roll of said city as the said Water Works Commission shall deem fair and reasonable;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to borrow \$40,000 for renewing and repairing water works system.

1. The Corporation of the City of St. Catharines is authorized to raise by loan upon the credit of the said corporation, a sum not to exceed \$40,000 for the purposes of renewing, repairing, extending, enlarging and altering the reservoirs, filtering basins, spillways and other permanent works of the water works system of the said city, and laying down and extending the water pipes in the streets thereof.

2.



2. (1) For the purposes aforesaid the said city corporation may issue debentures, not exceeding in the whole the sum of \$40,000, for such period as the council of said corporation may determine, not to exceed thirty years from the date of issue thereof, to bear interest at the rate of four per cent. per annum payable half-yearly, and it shall not be necessary to submit the by-law authorizing the said loan and the issue of the said debentures for the assent of the electors of the municipality.

Power to issue debentures to \$40,000.

(2) The provisions of subsection 3 of section 384 of *The Municipal Act* shall apply to the issue of the debentures authorized by this Act.

Rev. Stat. c. 223.

3. No irregularity in the form of such debentures or of any by-law authorizing the issue thereof shall render the debentures issued thereunder invalid or illegal, or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of said debentures or the interest thereon.

Irregularity in form not to render debentures invalid.

4. The said debentures or the proceeds thereof shall be handed over by the mayor of the said corporation to the Water Works Commission of the said city to be by the said commission expended for the purposes mentioned in the first section of this Act.

Waterworks commission to have charge of proceeds of debentures.

5. All and every the holders of the debentures to be issued under the authority conferred by this Act shall, subject to the charge (if any) thereon in favor of such of the debentures of the said city corporation as have been heretofore issued for or in respect of the said water works system, have a preferential pledge or charge on the said water works lands and property appertaining thereto for securing the payment of the said debentures and the interest thereon; and the said water works and the lands connected therewith shall be and are hereby specially pledged and charged (subject as aforesaid) for the payment of the said debentures and interest thereon.

Debentures to form preferential charge on waterworks.

6. In calculating the amount of the indebtedness of the said city corporation for the purpose of ascertaining if the limit of its borrowing power, as fixed by section 16 of *The City of St. Catharines Debt Consolidation Act, 1893* has been reached, the amount of the debt created under the authority of this Act shall not be reckoned as part of such indebtedness, but shall be excluded in computing the same.

Debt created not to be reckoned in computing limit of borrowing power of corporation.

7. In addition to the amounts which the Water Works Commission of the City of St. Catharines are required by section 26 of chapter 92 of the Acts passed in the 63rd year of the Reign of Her late Majesty Queen Victoria to raise annually from the water rates or rents charged or imposed by the said commission over and above the expenses of maintaining and managing the said water works, the said Water Works Commission shall also raise annually from the said

Special rates.

said water rates or rents a sum not less than sufficient to pay the interest and create a sinking fund for the payment of the principal of the debentures of the Corporation of the City of St. Catharines to be issued under the authority of this Act.

63 V. c. 92, s.  
22, amended.

8. Section 22 of chapter 92 of the Acts passed in the 63rd year of the reign of Her late Majesty Queen Victoria, is amended by inserting the word "annual" after the word "uniform" in the 11th line of the said section.

63 V. c. 92, s.  
22, amended.

9. The said section 22 is hereby further amended by adding the following as clauses (a), (b) and (c) of the said section :

(a) When the said Water Works Commission has not charged or levied a uniform rate under the authority of this section, the said commission may, nevertheless, by by-law to be passed before the 1st day of June in any year, charge the owners of vacant property and of lands not built upon, fronting or abutting upon streets, lanes or alleys in, through or along which water mains run, or are laid, and who do not use the water nor pay any price, rate or rent to the said Water Works Commission for the use thereof in respect of said vacant property or lands not built upon, such annual rate upon the assessed value of such vacant property or lands not built upon according to the last revised assessment roll of the city, as the said commission, having regard to the prices or rents charged to the users of water from the water works of the city shall deem fair and reasonable. The words "vacant property" in this clause contained shall be held to include all buildings, though occupied, the owners, tenants or occupants of which do not use the water from the said water works, nor pay any price, rate or rent to the said commission for the use thereof.

(b) In the case of any building occupied by more than one tenant the said commission may also by by-law passed, as aforesaid, charge the owner of said building for, or in respect of any separate tenement or messuage therein in which said separate tenement or messuage a water service of the commission has not been placed, or, having been so placed, is not used by the tenant or occupant thereof such annual rate upon the assessed value of any such separate tenement or messuage according to the last revised assessment roll of the city as the said commission, having regard to the prices or rents charged to the users of water from the water works of the city, shall deem fair and reasonable.

(c) In any case where the rate imposed or charged under the authority of clauses (a) or (b) shall not be equal to the minimum price or rent for a domestic service imposed by the by-law and tariff of the said commission respecting prices or rents for the use of water, the said commission is hereby authorized in every such case to impose a rent equal to such minimum price or rent for a domestic service.

## CHAPTER 79.

## An Act respecting the City of St. Thomas.

*Assented to 12th June, 1903.*

**W**HEREAS the Corporation of the City of St. Thomas Preamble.  
has by petition represented, that pursuant to the provisions of an Act passed in the 27th and 28th years of the reign of Her late Majesty Queen Victoria, chaptered 74, debentures were issued by the then Town of St. Thomas, for the sum of \$110,000 for the purpose of consolidating and paying the debenture debt of the said town, and that such debentures by the terms thereof are payable on the 1st day of July, 1904; and whereas the said Act provided for the creation of a sinking fund; and whereas the amount of the said debentures now outstanding is \$93,100, and the amount of the sinking fund on hand as provided by the said Act is \$43,472.50, leaving the sum of \$49,627.50 payable on the 1st day of July, 1904, for which no provision was made by the said Act; and whereas the said corporation has by the said petition prayed for authority to issue new debentures to cover the amount of the said deficiency; and whereas it is expedient to grant the prayer of the said petitioners;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

1. The Corporation of the City of St. Thomas is authorized and empowered on or before the first day of July, 1904, to issue debentures to the amount of \$50,000 for the purpose of redeeming the debentures issued under *The Town of St. Thomas Debentures Act, 1864*. Issue of debentures for \$50,000 authorized.

2. The said debentures shall be signed by the mayor and treasurer of the said City of St. Thomas, and sealed with the corporate seal of the said city, and shall be payable within twenty years from the date of the issue thereof. Execution of debentures.

3. The said corporation may raise by way of loan, from any person or persons, body or bodies corporate, who may be willing to advance the same, upon the security of the said debentures, a sum of money not exceeding \$50,000. Power to borrow on debentures.

4. The said debentures shall be payable in annual instalments within twenty years from the date of the issue thereof, such How payable.



such instalments to be of such amounts that the aggregate amount payable for principal and interest in any year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of such period of twenty years.

Interest.

5. The said debentures shall bear interest at a rate not exceeding four per cent. per annum from the date of the issue thereof, which interest shall be payable at the office of the city treasurer in the City of St. Thomas, and the said debentures shall have coupons attached thereto for the interest and such coupons shall be signed by the city treasurer.

Special rate.

6. For payment of the said debentures and interest, the Municipal Council of the City of St. Thomas shall impose on all the rateable property in the said city, a special annual rate (over and above and in addition to all other rates and taxes) during the said period of twenty years, which special rate shall be sufficient to produce in each year the sum required to be raised for payment of the annual instalment of principal and interest falling due on the said debentures.

Application  
of proceeds of  
debentures.

7. The monies derived from the sale of the said debentures shall be applied by the said council in and towards the redemption of the debentures issued and outstanding under *The Town of St. Thomas Debentures Act, 1864*, and for no other purpose whatever.

Informalities  
not to ~~will~~  
invalidate  
debentures.

8. No irregularity in the form of the said debentures shall render the same invalid or illegal.

## CHAPTER 80.

An Act to confirm By-law No. 575 of the Town of Sarnia.

*Assented to 22nd May, 1903.*

**W**HEREAS The Sarnia Gas and Electric Light Company, Preamble. Limited, and the Municipal Corporation of the Town of Sarnia have petitioned praying that an Act may be passed to legalize, ratify and confirm a by-law of the said Town of Sarnia passed on the 20th day of October, 1902, authorizing The Sarnia Gas and Electric Light Company, Limited, to erect poles and string wires in the Town of Sarnia; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1 By-law No. 575 of the Municipal Corporation of the Town of Sarnia set forth in the schedule to this Act is hereby confirmed and declared legal, valid and binding upon the said municipal corporation and the ratepayers thereof and upon all parties affected thereby, notwithstanding any want of jurisdiction on the part of the said municipality to pass the said by-law and notwithstanding any defect in substance or in form of the said by-law, or in the manner of passing the same, and the said corporation is hereby authorized and empowered to do all necessary acts for the full and proper carrying out of the said by-law.

By-Law  
No. 575  
confirmed.

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SCHEDULE.

BY-LAW 575.

A By-law authorizing The Sarnia Gas and Electric Light Company Limited, to erect poles and string wires in the Town of Sarnia.

Whereas The Sarnia Gas and Electric Light Company, Limited, hereinafter called the "Company," is duly authorized by law to supply gas and electric light to the Corporation of the Town of Sarnia, hereinafter called the "Corporation"

And whereas doubts have arisen as to the rights which the said company has heretofore exercised and will hereafter require to exercise in order to furnish the said corporation and the inhabitants thereof with electric light and power, and it is desirable that the said doubts should be removed.

Be it therefore enacted by the Municipal Council of the Town of Sarnia, as follows:—

1. The said company is hereby authorized and empowered, subject as hereinafter set out, to erect and maintain all the poles, wires, guys, guy posts, electric appliances and overhead construction on and along the streets, highways and public places of the Town of Sarnia necessary for the full and complete carrying on of the business of the company in supplying electricity as aforesaid.

2. The said company shall not erect or maintain any pole less than twenty-two feet in height from the surface of the ground and shall not be required to erect or maintain any pole more than thirty-five feet in height from the surface of the ground.

3. Where it shall be necessary to top off branches, or trim trees along the said streets, highways and public places in order that the wires or other appliances of the company shall not come in contact therewith, the said company shall have the right to top off such branches and to trim said trees subject only as hereinafter set out.

4. The placing of the said poles and wires, and the position they shall occupy, and the topping of off the branches and trimming of trees as aforesaid shall be subject to the supervision of the avenue committee or inspector or other person appointed by the Municipal Council of the Town of Sarnia in that behalf; provided that whenever the consent of the adjacent owner is obtained to the topping off of branches and trimming of trees as aforesaid, or whenever the notice hereinafter provided for shall have been sent by the company and shall be unheeded by the corporation, the supervision by the said committee, inspector or other person shall not be necessary.

5. The company, in order that the said corporation may exercise the said right of supervision, shall give notice in writing to the clerk of the Town of Sarnia by letter or otherwise at least three clear days in advance of when the company proposes to go over and locate any part of their line or to top off any branches or trim any trees as aforesaid, and said notice shall state upon what streets said work is to be done, and the date when said work will be commenced.

6. All poles, wires, guys, guy posts, electric appliances and overhead construction on and along said streets, highways and public places and now operated by the said company, shall, for all purposes, be taken as erected under the provisions of this By-law.

7. If any person, firm or corporation, requires the removal of any part of the wires or overhead construction of the said company to permit of the passing along the street of any building or other large substance that requires such removal or cutting, the said person, firm or corporation shall first give to the said company forty-eight hours notice of the time and place for such removal and shall at the time of giving such notice pay to the company a reasonable sum to cover the costs of cutting or otherwise removing and replacing said overhead construction, upon which the said company shall cut or otherwise remove their said overhead construction so as to permit of the passing of the said building or other large substance as aforesaid, such charge not to exceed in any case five dollars.

8. This By-law shall remain in full force and effect as long as the said company is empowered to supply electricity to the said corporation and its inhabitants.

9. The corporation shall join with the company in applying to the Legislature of the Province of Ontario for legislation confirming, ratifying and legalizing this By-law, but the said company shall pay all the costs of the said legislation, and this By-law is passed subject to such confirmation and legalization.

This By-law shall be known as By-law number 575 of the Town of Sarnia.

Finally passed this 20th day of October, 1902.

WILLIAM LOGIE,  
Mayor.

J. D. STEWART,  
Town Clerk.



CHAPTEa 81.

## An Act respecting the Town of Sault Ste. Marie.

*Assented to 12th June, 1903.*

**W**HEREAS the Town of Sault Ste. Marie, in the District of Algoma, has a population of 7,196, as shewn by the last census of the Dominion of Canada; and whereas the council of the said town has by petition represented that the mayor and six councillors of the said town are now elected by a general vote, and that it is desirable that the said town should be divided into wards and that the mayor of the said town should be elected by general vote and two councillors elected for each of the said wards; and whereas the said council has by petition further represented that since the incorporation of the said town various irregularities and failures to comply with the requirements of *The Assessment Act* in the preparation of assessment and collectors' rolls in the said town are alleged to have taken place, and that in consequence thereof great difficulties have been met with in the effort to collect taxes within the said town; and has prayed that all assessment rolls of the said town heretofore finally passed, and all collectors' rolls of the said town heretofore returned, and all sales of lands within the said town heretofore had for arrears of taxes, should be validated and confirmed; and whereas the said council has by petition further represented that a high school has recently been established in the said town and trustees thereof duly appointed, and that doubts have been expressed as to the power of the said council to establish such high school or appoint such trustees under *The High Schools Act*, and has prayed that the establishment of such high school and the appointment of such trustees be validated and confirmed; and whereas it is expedient to grant to the said council power to submit a by-law to the electors dividing the said town into wards and providing for the election of mayor and councillors as aforesaid and otherwise to grant the prayer of the said petition;

Preamble.  
Rev. Stat.  
c. 224.Rev. Stat.  
c. 293.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Council of the Municipality of the Town of Sault Ste. Marie may at any time before the first day of July in any year, after the passing of this Act, submit a by-law or by-laws to the electors of the said town, dividing the said town into wards, and defining the limits or boundaries of such wards respectively, or increasing the number of wards, or altering any division of the said town into wards previously made.

Council  
empowered to  
submit by-law  
in rearing  
number of  
wards.

Two coun-  
cillors for  
each ward.

2. From and after the final passing of any such by-law and at the next municipal election, and at succeeding municipal elections, two councillors shall be elected for each of such wards, but the mayor shall be elected by a general vote.

Assessment  
collectors roll  
validated.

3. All assessment rolls of the said town heretofore finally revised, and all collectors' rolls of the said town heretofore returned by the collectors thereof are hereby validated and confirmed, notwithstanding anything to the contrary in *The Consolidated Assessment Act, 1892*, or in *The Assessment Act* contained, and notwithstanding any failure to comply with the provisions of the said Acts or of either of them.

Tax sales  
confirmed.

4. All sales of lands within the said town had before the 1st of January, 1901, and purporting to be made for arrears of taxes in respect of the lands so sold, are hereby validated and confirmed, notwithstanding any irregularity in the assessment or other proceedings for imposition of any taxes so in arrear, or any failure to comply with the requirements of *The Consolidated Assessment Act, 1892*, or of *The Assessment Act* in regard to the manner in which any assessment roll or collectors' roll of the said town has been prepared, or in regard to the certifying or signing of the same or the making of any affidavit, declaration, affirmation or oath, required in connection therewith, or in regard to the time for return of any collectors' roll of the said town, or in regard to the furnishing, authenticating or depositing of any list of lands in arrears for taxes within the said town, or in regard to the mailing of notice to any person in respect to whose land any taxes appeared at any time to be in arrear, or in regard to any omission to levy the amount of any such taxes in arrear by distress and sale of goods, and notwithstanding any other failure or omission on the part of any official of the said town to comply with any requirements of the said Acts, and notwithstanding anything to the contrary in either of the said Acts contained.

Rev. Stat.  
c. 224.

High school.

5. The high school in the Town of Sault Ste. Marie is hereby declared to be legally established, and the appointment of the trustees thereof by the council of the corporation of the said town is hereby validated, ratified and confirmed; and the powers relating to high schools, and the appointment of high school trustees conferred upon the councils of separated towns under *The Municipal Act*, are hereby conferred upon the Municipal Council of the Corporation of the Town of Sault Ste. Marie.

Rev. Stat.  
c. 223.

Power  
conferred on  
District  
Judge.  
Rev. Stat.  
c. 293.

6. The District Judge of the District of Algoma shall have all the powers of a County Judge under *The High Schools Act* in all matters relating to or concerning high schools in the Town of Sault Ste. Marie.

Pending  
litigation.

7. Nothing herein shall affect pending litigation.

## CHAPTER 82

An Act amending An Act respecting the Town of Sault Ste Marie, The Lake Superior Power Company and certain other companies and persons.

*Assented to 27th June, 1903.*

**W**HEREAS The Algoma Central and Hudson Bay Railway Preamble.  
Company has by petition prayed for an Act amending  
*The Act respecting the Town of Sault Ste. Marie, The Lake  
Superior Power Company and certain other Companies and  
Persons*, being Chapter 71 of the Acts passed in the first  
year of His Majesty's reign, by extending the time for the  
construction and completion of the works set out in Schedule  
B to the said Act; and whereas the Municipal Council of the  
Corporation of the Town of Sault Ste. Marie has passed a  
resolution in favor of granting such extension of time; and  
whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario,  
enacts as follows:—

1. Sub-section 1 of section 2, of Chapter 71 of the Acts 1 Edw. VII.,  
c. 71, s. 2,  
sub-sec. 1  
amended.  
passed in the first year of His Majesty's reign is amended by  
striking out the word "two" in the tenth line thereof and  
by inserting in the place and stead thereof the word "five,"  
and the said sub-section as so amended shall have effect as  
though the same had been enacted as so amended on the 15th  
day of April, 1901.



## CHAPTER 83

## An Act respecting the Municipality of Shuniah.

*Assented to 12th June, 1903.*

Preamble.

Rev. Stat.  
c. 224.

**W**HEREAS the Council of the Municipality of Shuniah, has by petition represented that since the incorporation of the said municipality, various irregularities and failures to comply with the requirements of *The Assessment Act* in the preparation of assessment rolls and collectors' rolls in the said municipality have taken place, and that in consequence great difficulties have been met with in the effort to collect taxes within the said municipality; and has prayed that all assessment rolls of the said municipality heretofore finally passed, and all collectors' rolls of the said municipality heretofore returned, and all sales of lands within the said municipality heretofore had for arrears of taxes should be validated and confirmed, and also that any lands within the said municipality, bought in by or for the said municipality at any sale of lands for arrears of taxes, should be liable to taxation in the same manner as if the same did not belong to a municipal corporation; and whereas no objection has been made on the part of any ratepayer; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Assessment  
and collector's  
rolls validatedRev. Stat.  
c. 224.Tax sales  
validated.Rev. Stat.  
c. 224.

1. All assessment rolls of the Municipality of Shuniah heretofore finally revised, and all collectors' rolls of the said municipality heretofore returned by the collectors thereof, are validated and confirmed, notwithstanding anything to the contrary in *The Consolidated Assessment Act 1892*, or in *The Assessment Act* contained, or any failure to comply with the provisions of the said Acts or of either of them.

2. All sales of lands within the said municipality had before the first day of January 1901, and purporting to be made for arrears of taxes in respect of the lands so sold, are validated and confirmed, notwithstanding any irregularity in the assessment or other proceedings for imposition of any taxes so in arrear, or any failure to comply with the requirements of *The Consolidated Assessment Act 1892*, or of *The*

*The Assessment Act*, in regard to the manner in which any assessment roll or collector's roll of the said municipality has been prepared, or in regard to the certifying or signing of the same, or the making of any affidavit or oath required in connection therewith, or in regard to the time for return of any collectors' roll of the said municipality, or in regard to the furnishing, authenticating or depositing of any list of lands in arrears for taxes within the said municipality, or in regard to the mailing of notice to any person in respect to whose land any taxes appeared at any time to be in arrear, or in regard to any omission to levy the amount of any such taxes in arrear by distress and sale of goods, and notwithstanding any other failure or omission on the part of any official of the said municipality to comply with any requirements of the said Acts, and notwithstanding anything to the contrary in either of the said Acts contained.

3. Any lands within the said municipality which, at any sale for arrears of taxes, have heretofore been, or may hereafter be bought in by or for the said municipality, shall be liable to be assessed for and charged with payment of all debentures, local improvement, school and general rates within the said municipality in the same manner and to the same extent in every respect as if the said lands did not belong to the municipal corporation.

Lands acquired by municipality at tax sale, to be liable to be assessed.

4. Nothing herein contained shall affect any pending litigation.

Pending litigation not affected.

## CHAPTER 84

## An Act respecting the Town of Strathroy.

*Assented to 22nd May, 1903.*

## Preamble.

**W**HEREAS the Municipal Corporation of the Town of Strathroy has by petition represented that by by-law finally passed on the 29th day of December, 1902, after the same had been submitted to the ratepayers, the council of the said municipal corporation authorized and confirmed an agreement entered into between the said municipal corporation and The Citizens' Water, Gas and Electric Company, Limited, for the purchase by the said municipal corporation from the company of their waterworks and electric light property, plant, privileges, and appurtenances for the price or sum of \$21,830.38, and that the said by-law further provided for the issue by the said municipal corporation of debentures to the amount of \$50,000 for the purpose of carrying out such purchase and for the purpose also of the completion and extension of the said waterworks and of extending the said electric light plant; and that commissioners have been elected for the year 1903 under the provisions of the said by-law to carry out the provisions thereof and to manage the said waterworks and electric light plant for the said year; and that by an agreement bearing date the 3rd day of March, 1903, the company has extended the time for the payment of the said purchase price; and whereas it is desirable that the said by-law should be confirmed and validated and that the election of commissioners for the year 1903 should be confirmed;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-Law 518 of  
Strathroy con-  
firmed.

**1.** By-law No. 518 of the Corporation of the Town of Strathroy set out as Schedule A hereto is confirmed and declared to be legal, valid, and binding according to the true intent and meaning thereof, and the purchase by the Corporation of the Town of Strathroy from The Citizens' Water, Gas and Electric Company, Limited, under the said agreements, of the waterworks and electric plant, privileges, and appurtenances of the said company, is confirmed and validated.



2. The commissioners elected by the ratepayers of said town on the 10th day of February, 1903, to manage the said waterworks and electric light plant are confirmed in their office for the year 1903, and they and their successors in office, during their respective terms of office, together with the mayor of the said town for the time being, shall be known as "The Water and Light Commissioners of the Town of Strathroy." Election of water, and light commissioners confirmed.

3. Debentures issued or to be issued under the authority of the said By-law No. 518 or this Act and all assessments made or to be made for the payment thereof are declared to be valid, legal and binding upon the Municipality of the Town of Strathroy, notwithstanding anything in any Act to the contrary; and such debentures may be in the form contained in Schedule B hereto. Form of debentures.

### SCHEDULE A.

BY-LAW NO. 518 to authorize the Purchase of the Waterworks Property and Electric Light Plant of the Citizens' Water, Gas and Electric Company, Limited, and the Issue of Debentures to the Amount of \$50,000, therefor.

Whereas, it is in the interest of the Corporation of the Town of Strathroy and of the citizens and ratepayers thereof, to purchase and acquire from The Citizens' Water, Gas and Electric Company, Limited, the waterworks property and plant, and the electric light property and plant, owned by them in the said Town of Strathroy, including all the company's real estate, waterworks, standpipes, mains, 25 hydrants and valves, now under construction and to be completed, pumps, boilers, engines, plant machinery, appliances, tools, and all other property and apparatus used in connection with the waterworks aforesaid, and in connection with the electric light plant aforesaid, and also all plans, drawings, and other papers showing the description and location of the works and such of the company's books as may be necessary for the corporation to assist them in carrying on the works, including registers, and to extend and carry on the same under the provisions of *The Municipal Waterworks Act* and *The Municipal Act*.

And whereas an agreement has been made for the purchase by the said corporation from the said company of the said waterworks and electric light property and plant, and appurtenances, as aforesaid, at the price or sum of \$7,174.88 for the waterworks, and \$14,655.50 for the electric light plant, making a total of \$21,830.38, if accepted by the said corporation and paid for within four months from the 3rd day of November, A.D. 1902,

And whereas for the purpose of carrying out such purchase, and to make the necessary extensions and complete the said waterworks, and to extend the said electric light plant, it will be necessary to borrow the sum of \$50,000 by the issue of debentures of the said corporation for the said sum as hereinafter provided, which said sum of \$50,000 is the amount of the debt hereby intended to be created;

And whereas the total amount required to be raised annually by special rate for paying the said debt and interest is the sum of \$2,891.50.

And whereas the amount of the whole rateable property of the municipality, according to the last revised assessment roll, is the sum of \$940,522.

And

And whereas the amount of the existing debenture debt of the municipality, exclusive of local improvement debts secured by special acts, rates or assessments, is the sum of \$28,000, of which no portion of the principal or interest is in arrear ;

Be it therefore enacted by the municipal council of the corporation of the Town of Strathroy, as follows :—

1. The purchase by the corporation of the Town of Strathroy from the Citizens' Water, Gas and Electric Company, Limited, of the said waterworks and electric light property and plant, and appurtenances, aforesaid, at the price aforesaid, is hereby authorized and confirmed.

2. For the purpose aforesaid, and to extend and complete the said waterworks, and to make the necessary extensions to the electric light plant, the sum of \$50,000 is hereby authorized to be borrowed by the said corporation and debentures of the said corporation for the said sum of \$50,000 are hereby authorized to be issued, to be sealed with the corporate seal, and signed by the mayor and treasurer.

3. Such debentures shall be made payable within thirty years from the issue thereof, and shall bear interest at the rate of four per cent. per annum, payable yearly, and shall have coupons attached thereto for the payment of the interest, and shall be payable as to principal and interest at the office of the treasurer of the said corporation, in the said Town of Strathroy.

4. The said waterworks and the said electric light plant, and the lands acquired for the purposes thereof, shall be specially charged with the repayment of the said sum of \$50,000 to be borrowed as aforesaid by the corporation for the purpose of such purchase, and for the completion of the said waterworks and the extensions aforesaid, and the holders of such debentures shall have a preferential charge on the said lands, waterworks and electric light plant, and the property appertaining thereto and on all the revenues arising therefrom, after providing for the expenses attendant upon the operation and maintenance of the said waterworks and electric light plant, for securing the payment of the said debentures, and the interest thereon, and the said debentures and interest shall also be charged upon the whole rateable property of the municipality.

5. Subject to the provisions of sub-section 2 of this section, for the period of thirty years, commencing with the year nineteen hundred and three, during the currency of the said debentures, there shall be raised annually, by special rate on all the rateable property in the municipality the sum of \$2891.50, for the purpose of paying the amount due in each of the said years for principal and interest, in respect of the said debt, as shown in the Schedule A hereto annexed.

(2) Provided, however, that the revenues arising from the said waterworks and electric light plant, as aforesaid, less the expense of operation and maintenance, shall first be applied towards payment of such debentures and interest, and after so applying the moneys arising from such revenues, less the expense of operation and maintenance, the council shall only be required to raise in each year by special rate on all the rateable property in the municipality, a sum sufficient, with the moneys arising from such revenues, to make up the said annual sum of \$2,891.50, required for payment of the principal and interest of such debentures.

6. The said moneys so borrowed shall be used and applied in payment of the purchase money aforesaid, and in the extension and completion of the said waterworks, and the extension of the electric light plant, and for no other purpose.

7. The said waterworks and electric light plant, when purchased, shall be managed by a board of commissioners, of whom the head of the council shall ex-officio be one, and the remainder of whom shall be elected or appointed in accordance with the provisions of "*The Municipal Waterworks Act*," and amendments thereof, the number of such commissioners to be three. Provided always, that the council of the corporation

of the Town of Strathroy may, by by-law, which it shall not be necessary to submit to the ratepayers, at any time increase or alter the number of commissioners, but so that the same shall not be less than three nor more than five in number, and such board of commissioners shall exercise and enjoy the powers, rights and immunities conferred by "*The Municipal Waterworks Act*" upon the municipal corporation in respect of the said waterworks, and shall also exercise and enjoy the powers, rights, authorities and immunities in respect of the electric light plant conferred by "*The Municipal Act*" upon the municipal corporation.

8. The votes of the duly qualified electors of the Town of Strathroy shall be taken on this by-law on the 27th day of December, next, at the following places, and before the following deputy-returning officers, commencing at the hour of nine o'clock in the forenoon and ending at the hour of five o'clock in the afternoon of the same day, that is to say :—

Polling Division No. 1—At Maitland Street school, and E. A. Whyte shall be deputy returning officer.

Polling Division No. 2—At or near Mrs. D. M. Brown's residence, and Abraham Goodwin shall be deputy returning officer.

Polling Division No. 3—At the town hall, and A. L. Leitch shall be deputy returning officer.

Polling Division No. 4—At the High School, and Wm. Wilkinson shall be deputy returning officer.

Polling Division No. 5—At Colborne Street school house, and R. Dumbrill shall be deputy returning officer.

Polling Division No. 6—At Caradoc Street school house, and Jas. H. Lee shall be deputy returning officer.

9. The twenty-ninth day of December, A.D. 1902, at the hour of eleven o'clock in the forenoon, and the office of the town clerk, are hereby fixed as the time when and the place where the clerk will sum up the number of votes given for and against the by-law.

10. The twenty-sixth day of December, A.D. 1902, at the hour of eleven o'clock in the forenoon, and the office of the town clerk are hereby fixed as the time and place for the appointment of persons to attend at the various polling places, and at the final summing up of the votes by the clerk, respectively, on behalf of the persons interested in and promoting or opposing the passing of the by-law, respectively.

11. This by-law shall take effect on and from the final passing thereof.

Read a first and second time, provisionally, this 24th day of November, A.D. 1902.

Passed third reading in open council this 29th day of December, A.D. 1902.

F. J. CRAIG,  
Clerk.

JOHN ROBERTSON,  
Acting Mayor.

[SEAL]



Schedule A referred to in the foregoing by-law, showing how the amount of \$2,891.50, thereby required to be raised annually by special rate, is apportioned.

No.	Year.	Principal.	Annual Interest.	Total interest on all Debentures.	Total annual payments.
1....	1903....	\$ 891 50.....	\$ 35 66.....	\$2000 00....	\$2891 50
2....	1904....	927 16.....	37 09.....	1964 34....	2891 50
3....	1905....	964 25.....	38 57.....	1927 25....	2891 50
4....	1906....	1002 83.....	40 11.....	1888 67....	2891 50
5....	1907....	1042 94.....	41 72.....	1848 56....	2891 50
6....	1908....	1084 66.....	43 39.....	1806 84....	2891 50
7....	1909....	1128 04.....	45 12.....	1763 46....	2891 50
8....	1910....	1173 16.....	46 93.....	1718 34....	2891 50
9....	1911....	1220 09.....	48 80.....	1671 41....	2891 50
10....	1912....	1268 90.....	50 76.....	1622 60....	2891 50
11....	1913....	1319 64.....	52 79.....	1571 86....	2891 50
12....	1914....	1372 43.....	54 90.....	1519 07....	2891 50
13....	1915....	1427 33.....	57 09.....	1464 17....	2891 50
14....	1916....	1484 42.....	59 38.....	1407 08....	2891 50
15....	1917....	1543 80.....	61 75.....	1347 70....	2891 50
16....	1918....	1605 55.....	64 22.....	1285 95....	2891 50
17....	1919....	1669 77.....	66 79.....	1221 73....	2891 50
18....	1920....	1736 56.....	69 46.....	1154 94....	2891 50
19....	1921....	1806 02.....	72 24.....	1085 48....	2891 50
20....	1922....	1878 27.....	75 13.....	1013 23....	2891 50
21....	1923....	1953 40.....	78 14.....	938 10....	2891 50
22....	1924....	2031 53.....	81 26.....	859 97....	2891 50
23....	1925....	2112 79.....	84 51.....	778 71....	2891 50
24....	1926....	2197 30.....	87 89.....	694 20....	2891 50
25....	1927....	2285 20.....	91 41.....	606 30....	2891 50
26....	1928....	2376 60.....	95 06.....	514 90....	2891 50
27....	1929....	2471 67.....	98 87.....	419 83....	2891 50
28....	1930....	2570 54.....	102 82.....	320 96....	2891 50
29....	1931....	2673 36.....	106 94.....	218 14....	2891 50
30....	1932....	2780 29.....	111 21.....	111 21....	2891 50

## SCHEDULE B.

### PROVINCE OF ONTARIO, TOWN OF STRATHROY.

#### Waterworks and Electric Light Debenture.

Under and by virtue of the Act passed in the third year of the reign of His Majesty King Edward VII., and chaptered 84., and By-law No. 518, of the Corporation of the Town of Strathroy, the said Corporation promises to pay to the bearer at \_\_\_\_\_ in the sum of \_\_\_\_\_ dollars on the day of \_\_\_\_\_ 190\_\_\_\_, and the yearly or half-yearly coupons hereto attached, as the same shall severally become due.

Dated at Strathroy, this \_\_\_\_\_

day of \_\_\_\_\_

A.D. 1903.

..... Mayor.

[SEAL.]

..... Treasurer.

CHAPTER

## CHAPTER 85

## An Act respecting the Township of Thorah and the Village of Beaverton.

*Assented to 22nd May, 1903.*

**W**HEREAS by the petitions of the Municipal Corpora-  
tions of the Township of Thorah and the Village of Beaverton it is represented that under and by virtue of an Indenture bearing date the 12th day of May, 1846, and made between Alexander Calder and Duncan Calder of the Township of Thorah in the County of Ontario (with their respective wives to bar dower only) of the first part, and Kenneth Cameron, Archibald McMillan and John Bruce, Wardens of the said Township of Thorah, of the second part, after reciting therein as follows: "Whereas the said Alexander Calder and Duncan Calder are and stand jointly seized to them and their heirs of and in all and singular a certain lot of land and hereditaments, being Lot Fourteen in the Fifth Concession of the said Township of Thorah, and part of which lot of land is lying situate in the Village of Beaverton, in the said Township of Thorah; and whereas it has been deemed advisable and necessary that there should be erected and built a house, to be called a Town Hall, for the purpose of holding the township meetings and transacting other matters of business of the township generally and there has also been lately established a Division Court, which is held in the said Village of Beaverton, and it has become necessary for the accommodation of the said Court that there should be a Court House for the holding of the said Court; and whereas the said Alexander Calder and Duncan Calder have agreed to give, grant, enfeoff and confirm unto the said parties of the second part, Wardens of the said Township of Thorah as aforesaid and their successors in office, a certain piece of land, hereinafter more particularly described and set forth, for the purpose of building and erecting a Township Hall and Court House for the purposes aforesaid, the conveyance of the said land and the custody and safe-keeping of the said Township Hall and Court House being vested in the Wardens of the said Township of Thorah for the time being as Trustees for the inhabitants of the said Township of Thorah;" the said Alexander Calder and Duncan Calder did grant unto the said parties thereto of the second part and to their successors in office forever all that lot or piece of ground  
lying

lying and being in the Village of Beaverton, containing by admeasurement one-quarter of an acre, and bounded and further described as follows: commencing at a post planted on the north-easterly limit of the Whitby road, south sixty degrees and thirty minutes east two chains from an angle in the said north-easterly limit, which angle bears south seventy-three degrees east three chains and seventy-two links from the intersection of the easterly limit of the road leading across the Beaver River, above Calder's mill, with the northerly limit of the said Whitby road and running thence north twenty-nine degrees and thirty minutes east two chains and fifty links, then south sixty degrees and thirty minutes, east one chain, then south twenty-nine degrees and thirty minutes, west two chains and fifty links, then north sixty degrees and thirty minutes west one chain to the place of beginning," together with all the rights, privileges and advantages thereto belonging or appertaining, and the reversions and remainders, rents, issues and profits thereof, to have and to hold the said lot or piece of ground and all other the premises thereby granted and confirmed unto and to the proper use and behoof of the said parties thereto of the second part and their successors in office for the time being to be elected and chosen according to law forever, to and for the uses and purposes and upon the terms and conditions thereinbefore recited, but for no other purposes; and whereas it has been shown that the Corporation of the Township of Thorah, shortly after the date of the said deed, caused a town hall to be erected on the said lands; and whereas the Village of Beaverton was incorporated into a separate municipality in the year 1884, and thereafter pursuant to agreement under their corporate seals, the councils of the said municipalities have ever since jointly held and used the said town hall for municipal purposes; and whereas the said town hall having become wholly inadequate for the purposes for which it is intended, the said municipal corporations now ask for power to dispose of the said lands, notwithstanding the terms of the trusts upon which the same were granted, and jointly to acquire other lands in the Village of Beaverton, and for power to erect a new town hall for joint use; and whereas it is expedient to grant the prayer of the said petitions;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Township and  
Village  
authorized to  
sell present  
town hall.

1. The Corporation of the Township of Thorah and the Corporation of the Village of Beaverton, are authorized and empowered to sell or otherwise dispose of the said lands and premises hereinbefore described and by joint deed to convey the same to the purchaser or purchasers thereof freed and discharged from the trusts expressed and declared of and concerning the same in the hereinbefore in part recited



recited Indenture and no such purchaser shall be bound to see to the application of the purchase money.

2. The said corporations are authorized jointly to acquire lands within the limits of the said Village of Beaverton and to erect thereon or upon the lands in the hereinbefore in part recited deed mentioned, should the same not be disposed of, a town hall and such other houses and buildings as may be required for the joint purposes of the said municipalities.

Power to acquire new site and erect hall, etc.

3. The provisions of paragraph (a) of subsection 3 of section 534 of *The Municipal Act* are extended to and shall apply to the said municipalities in so far as may be necessary to validate the using of the said town hall houses and buildings when erected.

Application of Rev. Stat. c. 223 s. 534.

4. The councils of the said municipalities respectively are authorized and empowered to pass such by-law or by-laws as may be required for the carrying out of the powers hereby granted and such by-law or by-laws shall be in accordance with the provisions of section 534 of *The Municipal Act*, and shall have the force and effect of by-laws passed thereunder.

Power to pass necessary by-laws.

5. The councils of the said municipalities are further authorized and empowered to pass by-laws in accordance with the terms of *The Municipal Act* respecting money by-laws for the issuing of debentures for the payment of their respective shares of the moneys required for the purposes aforesaid in the like manner and to the same effect as if acting independently the one of the other.

By-laws for raising necessary funds.

## CHAPTER 86

## An Act respecting the City of Toronto.

*Assented to 12th June, 1903.*

## Preamble.

WHEREAS the Municipal Corporation of the City of Toronto has, by petition prayed for special legislation in respect of the several matters hereinafter set forth; and whereas no objections have been made to any of the by-laws set out or referred to in Schedule D hereto; and whereas no opposition has been offered to the confirmation of the said by-laws; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

## Firemen's Relief Fund legalized.

1. (1) The Trust Deed set out in Schedule A to this Act relating to the Firemen's Permanent Relief Fund is hereby declared to be legal and valid for the purpose of establishing the said fund, and to authorize the persons therein named, and their successors in office from time to time, to form a Trustee Board for the purpose of receiving and distributing relief for and on behalf of firemen belonging to the Toronto Fire Brigade in accordance with the provisions of the said Trust Deed; and the said trustees are hereby declared to be a body corporate to manage, invest and deal with all such moneys as may be received by them, and to distribute the same to the parties entitled thereto as provided in the said Trust Deed.

## City to pay \$25,000 towards it.

(2) The Corporation of the City of Toronto is hereby authorized to pay to the said trustees the sum of \$25,000 to form part of the said Relief Fund, the same to be paid out of the estimates and taxes for the year 1904, or partly in that year and partly in each of the years from 1905 to 1908 inclusive as the said corporation may deem proper, the said corporation in the meantime to pay interest at the rate of four per cent. per annum upon the said sum of \$25,000 from the date of the said Trust Deed until the money is paid over to the said trustees. The trustees are to be at liberty to loan the said \$25,000 and any other moneys which may be in their hands to the said corporation at such rate of interest as may be

## Trustees may loan money to city

be agreed upon by the corporation and the said trustees. In the event of such loan being effected then the said corporation is to pay the interest thereon half-yearly to the said trustees at the rate so agreed upon.

2. The corporation having borrowed by means of By-law Number 4186, set out as Schedule B hereto, entitled "A By-law No. 4186 and fuel supply. by-law to authorize the City Treasurer to borrow such sum or sums of money as may be necessary, not exceeding \$50,000 in all, for the purpose of purchasing and supplying fuel to charitable institutions and citizens in limited quantities", certain sums of money for the purpose of purchasing and supplying fuel to charitable institutions and citizens in limited quantities, and having paid out certain sums of money in contracts and otherwise for the purchase of fuel, all sums of money so borrowed and all sums so paid are hereby declared to have been and to be legal and valid and to that extent within the powers of the said corporation.

3. The agreements entered into between the Trustees of the University of Toronto and the corporation of the City of Toronto, and set out in Schedule C to this act respecting the assessment of certain local improvements upon Duncan street, are hereby declared to be valid and within the powers of the parties thereto. Agreement between City and University validated.

4. The council of the said corporation is hereby authorized by by-law to set apart any of the lands purchased by the city at tax sales to be used by the said city for park, playground or other municipal purposes, and the said city shall not be required to sell the said lands within seven years from the time they were acquired by the city; but, upon the passing of such by-law or by-laws by the council, the obligation to sell the same shall be at once removed. Authority to set apart lands purchased for taxes for playgrounds, etc.

5. The said corporation is hereby authorized to issue debentures from time to time within five years from the passing of this Act for such sum or sums as the council may deem necessary, but not exceeding in any one year one mill on the dollar on the assessed value of all the real and personal property in the cities in such year, according to the last revised assessment roll, for the purpose of purchasing parks and playgrounds in the city, and for making permanent improvements thereon, without submitting the by-law or by-laws for the same to the ratepayers entitled to vote on money by-laws; and if debentures to the amount of one mill on the dollar on such assessed value are not issued, or the proceeds thereof in any one or more years not expended, then the amount not issued or the sum not expended, in any such year or years, not exceeding the sum of \$500,000, may be issued or expended in any subsequent year. The debentures to be issued under the said Debentures therefor.



said by-laws shall be payable within such period as may be thought right by the council, but not exceeding forty years from the date of the issue thereof, and the interest and sinking fund therefor shall be raised annually during the period provided in the said by-law or by-laws, and the interest shall be payable to the holders of such debentures half-yearly as the same falls due, but the debentures shall be payable at the end of the period or periods fixed by the said by-law.

Lands purchased for parks, etc., may be purchased on time.

6. The said corporation, in obtaining lands for parks and playgrounds, may agree to pay for the same in annual sums either for a limited number of years, or during the lifetime of the owner, or otherwise as may be deemed prudent by the council of the said corporation, and as may be agreed upon with the person from whom the said lands may be purchased; or the said corporation may obtain any such lands by lease or otherwise for any number of years on an agreement or option to pay and with power to pay the purchase money at any subsequent period.

Expend money on re-union of former residents.

7. The council of the said corporation may expend such sum, not exceeding \$5,000, as may be deemed prudent during the year 1903, in holding a festival or re-union for the former residents of the city and may include the same in the estimates for the year 1904.

Tax sales validated.

8. All sales of lands within the said city, up to and including the one held in the year 1902, and purporting to be made for arrears of taxes in respect of the lands so sold are hereby validated and confirmed, notwithstanding any irregularity in the assessment or other proceedings for imposition of any taxes so in arrear, or any failure to comply with the requirements of *The Consolidated Assessment Act, 1892*, or of *The Assessment Act* in regard to the manner in which any assessment roll or collectors roll of the said city has been prepared, or in regard to the certifying or signing of the same, or the making of any affidavit or oath required in connection therewith, or in regard to the time for the return of any collector's roll of the said city, or in regard to the furnishing, authenticating, or depositing of any list of lands in arrear for taxes within the said city, or in regard to the mailing of notice to any person in respect to whose land any taxes appeared at any time to be in arrear, or in regard to any omission to levy the amount of any such taxes in arrear by distress and sale of goods, and notwithstanding any other failure or omission on the part of any official of said city to comply with any requirements of the said Acts, and notwithstanding anything to the contrary in either of the said Acts contained. Provided, however, that any land so sold for taxes which is still held by the corporation may be redeemed by the owner thereof or any mortgagee thereon within three months

Proviso as to further time to redeem.

months from the passing of this Act, by such owner or mortgagee paying to the corporation the full amount which would have been necessary to redeem the same, within one year from the day of sale as provided in *The Assessment Act*, including interest, the costs and charges of the sale, and also all taxes which have accrued subsequent to the sale, and a sum for any year or years in which the same may not have been rated for taxes equal to what would have been the taxes thereon at the current rate for such year or years if the land had been assessed to a private person, and also interest upon the several sums to the time of such redemption; and provided further that nothing in this section contained shall affect any rights which are the subject of litigation at the time of the passing of this Act.

9. The by-laws of the corporation of the City of Toronto specified in Schedule D hereto, and all debentures issued or to be issued thereunder, and all assessments made or to be made for the payment thereof, are hereby validated and confirmed except so much of by-law No. 4138 as imposes an assessment upon lots 26 and 27 plan 101 "E" on the south side of Bloor street, having a frontage of 102 feet on Bloor street, assessed to W. Hamilton Merritt, but now the property of the trustees of the University of Toronto, which assessment shall not be collectable unless and until the said lots have been sold or leased by the said trustees, and then shall be collectable for such time as shall follow such sale or lease, which assessment shall attach upon the land or the lessees' interest therein respectively, according to whether the said land shall have been sold or leased.

Debenture  
by-laws  
validated.

10. (1) The Corporation of the City of Toronto may, upon a three-fourths vote of the city council, purchase from the Dominion Government the lands known as the Garrison Commons in the City of Toronto, upon such terms as may be agreed upon between the council of the said corporation and the said Government, and may pay the price agreed to be paid therefor.

City empow-  
ered to pur-  
chase Garri-  
son Commons.

(2) Or the said corporation may purchase any land in any of the municipalities in the County of York to be used for military purposes, and may erect suitable buildings thereon for such purposes, if the said Government wish them so to do, and shall have full powers to expropriate such land in any of the said municipalities for the said purposes, making due compensation therefor according to the provisions of *The Municipal Act* providing for compensation for lands taken or injured, and, with the consent of the council of the local municipality wherein such land may be situate, may close up streets, lanes or other public places which it may be found necessary to include in the land required for such military purposes.

Rev. Stat.,  
c. 223.

(3) The said corporation may exchange the lands so acquired as aforesaid with the Dominion Government for the Garrison Commons property, upon such terms as may be agreed upon between the council thereof and the said Government, and may pay to or receive from the said Government the difference between the respective values of the lands so exchanged as may be agreed upon between the said council and the said Government.

(4) For any of the purposes aforesaid the council of the said corporation may, without submitting the same to the ratepayers qualified to vote on money by-laws, pass such by-laws as may be necessary therefor, and may issue any number of debentures payable in this Province or elsewhere in sums of not less than \$100 each, which may be requisite and necessary therefor, which debentures shall be payable within 40 years from the respective dates thereof, with interest thereon in the meantime at a rate not exceeding 4 per cent. per annum, payable half yearly; and for the purpose of redeeming such debentures and paying the interest thereon, the council of the said corporation may, in any by-law or by-laws to be passed authorizing any such loan or loans, or any part thereof, and the issue of debentures therefor, impose a rate per annum upon all rateable real and personal property in the said municipality over and above, and in addition to all other rates to be levied in each year, which shall be sufficient over and above the interest payable on such debentures to form a sinking fund to pay off the said debentures at maturity.

(5) The powers conferred by this section shall be in addition to the powers conferred by sections 5 and 6 of this Act.

(6) Any lands acquired within the City of Toronto by the Corporation of the City of Toronto under the powers by this section conferred shall be used for park or industrial exhibition purposes only.

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### SCHEDULE A.

Know all men by these presents—

Whereas certain persons, firms and corporations residing or doing business in the City of Toronto, hereinafter called the contributors, have deemed it expedient that a permanent fund should be created for the benefit of widows, orphans, relatives and others dependent for their support upon members of the Toronto Fire Department, who have died or may hereafter die by accident or from the result of accident while engaged in the actual performance of their duties

And whereas the contributors have already subscribed a sum of twenty-eight thousand dollars and upwards for the purposes of such fund, and the Corporation of the City of Toronto has agreed to pay a sum of twenty-five thousand dollars to the trustees of the fund :

And whereas it is expedient that trustees for the fund should be appointed and their duties and responsibilities defined, and the trusts in respect thereof specifically declared ;

And



And whereas certain of the contributors representing all the contributors and the Council of the Corporation of the City of Toronto have requested the parties hereinafter named to act during the tenure of their present official positions as trustees of the fund upon the terms and conditions hereinafter declared, which the said parties have agreed to do, as evidenced by their respective signatures hereto ;

And whereas it is intended that upon any trustee ceasing to hold the official position now held by him, his successor in such office shall thereupon become a trustee hereunder ;

Now therefore we Oliver Aiken Howland, Mayor of the City of Toronto, Alfred Ernest Ames, President of the Board of Trade of Toronto, Henry Dixon Phillips Armstrong, President of the Board of Fire Underwriters of the City of Toronto, and John Thompson, Chief of the Toronto Fire Department, do hereby publicly acknowledge and declare :

1. That we will jointly act, without remuneration, as trustees for the purposes hereinafter declared of the said fund and of any further moneys which may hereafter be received by us for the purposes hereof.

2. That we will from time to time invest, re-invest and keep invested the said fund in securities authorized by *The Trustee Investment Act*, as from time to time in force other than securities which are a first charge on land held in fee simple or will from time to time loan the fund or a portion thereof to the Corporation of the City of Toronto, or will leave the same or portions thereof on deposit in chartered banks of the Dominion of Canada, or will transfer for investment the fund or such portion or portions thereof as the trustees may from time to time deem proper, to any authorized trust company or trust companies, provided such trust company or trust companies invest, re-invest and keep invested the same in securities authorized by *The Trustee Investment Act*, including and not excluding securities which are a first charge on land held in fee simple ; and provided further that such trust company or trust companies shall invest such fund, or such portion thereof as may be transferred to them, in such manner that the securities, documents and properties representing the same shall be earmarked with this trust, and shall guarantee to the trustees hereunder the due payment of the principal and interest in respect thereof.

3. That we, or a majority of us, will from time to time apply the income to be derived from the fund, or such portion of the income as we, or a majority of us, in our absolute discretion, may deem expedient for the purpose of giving financial assistance to or for relieving from distress or want, or otherwise applying same for the benefit of such of the widows, children, relatives and others dependent for their support upon members of the Toronto Fire Department, who have died, or may hereafter die, from the result of injuries received while engaged in the actual performance of their duties as we, the trustees, or a majority of us, from time to time, may, in our absolute discretion, deem proper ; and will likewise pay out of such income any expenses properly incurred in the administration or carrying out of the trusts hereof.

4. When we, or any of us, cease to hold the respective official positions hereinbefore mentioned, we and each of us shall thereupon cease to be and act as trustees hereunder, and shall and will execute such deed or document as may be necessary to vest any moneys received by us under this trust, or any securities or investments received or held by us as trustees as aforesaid in our successors in office as completely as if our said successors in office had been named or been parties to this declaration of trust, and our respective successors in office are thereupon to be and become trustees hereunder and shall receive the funds upon the terms hereof.

5. Pending the acceptance of such trust by any of our successors in office, or during the absence or incapacity of any trustee, a majority of

of the trustees may and shall act as trustees hereunder, and in such case such acts are to have the same validity as if every trustee had concurred and joined therein.

6. That we will do all such other acts, matters and things, including the obtaining of legislation, as in our absolute discretion may be deemed expedient for the permanent and effectual carrying out of the foregoing purposes or any of them.

In witness whereof we, and each of us, have hereunto set our hands and seals, this eighth day of August one thousand nine hundred and two,

Signed, sealed and delivered in the presence of	}	(sgd) OLIVER A. HOWLAND, (seal) Mayor.
(sgd) R. T. COADY,		A. E. AMES,
THOMAS CASWELL,		HY. D. P. ARMSTRONG,
GEO. B. WILSON.		JOHN THOMPSON.

### SCHEDULE B.

No. 4186. A BY-LAW.

To authorize the City Treasurer to borrow such sum or sums of money as may be necessary, not exceeding \$50,000 in all, for the purpose of purchasing and supplying fuel to charitable institutions and citizens in limited quantities.

[Passed October 13th, 1902.]

Whereas, owing to the scarcity of fuel in the City of Toronto, occasioned by the coal strike in the State of Pennsylvania, it is apparently impossible to obtain by the ordinary channels of trade coal or wood at reasonable rates, so that charitable institutions and citizens in the City of Toronto may be supplied even in limited quantities for the coming winter.

And whereas it is imperatively necessary that something should be done by this corporation to provide fuel for such institutions and citizens in limited quantities, or there will be extreme suffering and probably death in Toronto resulting therefrom.

And whereas, at a meeting of the City Council held on the 6th day of October, 1902, a resolution was passed in the following words:

“Resolved, that this Council instruct the Board of Control to provide an appropriation, not exceeding \$50,000, for the purchase of fuel to be sold at cost to charitable institutions and citizens in limited quantities that towards the above end a competent man, conversant with the fuel trade, be employed, with power to employ such assistance as he may deem necessary to properly carry out the intention of this resolution, the above party to report to and receive instructions from the Board of Control.”

And whereas, at a conference held on the ninth day of October, 1902, between the Honorable George W. Ross, Premier of the Province of Ontario, and a deputation of this Council, the said Premier agreed, in view of the emergency above specified, that in case a by-law should be passed by this Council authorizing the City Treasurer to borrow such sum or sums of money, not exceeding in the amount of the liability, the sum of \$50,000, as might be necessary for the purpose of carrying out the foregoing resolution, the Government would, at the next session of the Ontario Legislature, support a Bill legalizing such loan and providing for the repayment thereof.

Therefore the municipal council of the corporation of the City of Toronto enacts as follows:

#### I.

The City Treasurer is hereby authorized and empowered to borrow from such banks, corporations, or persons as may be willing to lend the same,  
and

and upon such terms as may be necessary from time to time, such sum or sums of money, not exceeding \$50,000 in all, as may be required for the purpose of purchasing and supplying fuel to charitable institutions and citizens in limited quantities, until the same can be obtained in the usual way by the ordinary channels and at reasonable rates, the intention of this by-law being that the money may be borrowed from time to time in such quantities as may be required, and if necessary further sums if the earlier loans have been repaid, but so that the existing liability shall not at any one time exceed the said sum of \$50,000.

## II.

The said moneys so to be borrowed shall, until repaid, be and constitute a charge on all real and personal property, assets and effects of the said the corporation of the City of Toronto.

W. A. LITTLEJOHN,

City Clerk.

COUNCIL CHAMBER,

Toronto, October 13th, 1902.

[L.S.]

O. A. HOWLAND,

Mayor.

## SCHEDULE C.

This agreement made in triplicate the fifth day of May, one thousand nine hundred and two ; between the Trustees of the University of Toronto, hereinafter called the Trustees, of the first part ; and the Corporation of the City of Toronto, hereinafter called the Corporation of the second part.

Whereas the said trustees with others have petitioned the said corporation to construct a sewer upon Duncan Street between King Street and Adelaide Street, and which sewer has been recommended by the City Engineer to the Committee on Works and has passed the said committee, but has not yet been presented to the council of the said corporation ;

And whereas the solicitor for the said trustees, before the recommendation of the construction of such sewer by the City Engineer, undertook that a proper agreement would be executed by the said trustees binding them and the university which they represent for their proportionate part of the cost of the said sewer as though the said trustees were a private corporation and not holding land exempt from taxation.

Now therefore this agreement witnesseth that the said trustees hereby agree with the said corporation as follows :—

1. That, if the said corporation will proceed with the construction of the said sewer upon Duncan Street between King Street and Adelaide Street in accordance with the said petition the lands of the said trustees upon the east side of Duncan Street extending from King Street to Adelaide Street may be assessed for their proportionate part of the cost of the said sewer as determined by the Court of Revision, or in case of an appeal therefrom, by the County Judge ; and that the said trustees will pay the sum which may be rated against them and the said lands for their proportionate part of the cost of the said sewer the same as if the said lands held by them were held by them as private persons, and that the said lands and trustees were not exempt from taxation therefor.

2. The said trustees agree that they will pay the annual rate which may be fixed for the cost of the said sewer upon the said lands belonging to them in all respects as if the said lands were not exempt from taxation.

This



This agreement is accepted by the city without waiving the city's contention that Russell Square is a public park or square which the city is entitled to and the agreement is entered into without prejudice to the city's claim to the square.

In witness whereof the said trustees have hereunto set the hand of the Vice-Chairman of the said trustees and the Bursar of the University and affixed the seal of office of the said trustees; and the said corporation have affixed their corporate seal under the hands of Oliver Aiken Howland, Esquire, Mayor, and Richard Theodore Coady, Esquire, Treasurer of the said City and keeper of the said seal.

(Sgd.) J. LOUDON,  
[Seal.] Vice Chairman.  
" J. E. BERKLEY SMITH,  
Bursar.

### SCHEDULE C. (*Continued.*)

This agreement made in triplicate the 18th day of September, one thousand nine hundred and two; between the Trustees of the University of Toronto hereinafter called the trustees of the first part, and the corporation of the City of Toronto hereinafter called the corporation of the second part.

Whereas the said trustees with others have petitioned the said corporation to construct a brick pavement and concrete sidewalks upon Duncan Street, between King Street and Adelaide Street, which pavement and sidewalks have been recommended by the City Engineer to the Committee on Works, and the recommendations therefor have passed the said committee, and also the council of the said corporation

And whereas the chairman of the Board of Trustees in signing the said petition placed a memorandum thereon that the trustees claimed no exemption for the property fronting upon Duncan Street from the assessment for the cost of the said works.

And whereas the said trustees duly appeared before the Court of Revision having jurisdiction in this matter on the fifth day of August, 1902, and submitted to be assessed for the proportionate cost of the said pavement and sidewalks to the extent of one hundred and twenty-eight feet four inches on the east side of Duncan Street, measured from the south-east angle of Adelaide and Duncan Streets.

And whereas it is deemed expedient to have a proper agreement executed by the said trustees binding them and the university which they represent for their proportionate part of the cost of the said pavement and sidewalks as aforesaid, as though the said trustees were a private corporation, and not holding land exempt from taxation.

Now therefore this agreement witnesseth as follows;

(1) That if the said corporation will proceed with the construction of the said pavement and sidewalks upon Duncan Street, between King Street and Adelaide Street in accordance with the said petition, the said lands of the said trustees upon Duncan Street being the said frontage of one hundred and twenty-eight feet four inches may be assessed for their proportionate part of the cost of the said pavement and sidewalks, as determined by the Court of Revision, and that the said lands of the trustees will be charged with the sum which may be rated against the said lands for their proportionate part of the cost of the said pavement and sidewalks as aforesaid, the same as if the said lands held by them were held by them as private persons, and that the said lands were not exempt from taxation therefor.

(2) The said trustees agree that the said lands will stand liable for the annual rate which may be fixed for the cost of the said pavement and sidewalks upon the said frontage of one hundred and twenty-eight feet four inches of the lands belonging to them, as if the said lands were not exempt from taxation.

In Witness whereof the said trustees have hereunto set the hands of the chairman of the said trustees and the bursar of the university, and affixed the seal of office of the said trustees, and the said corporation have affixed their corporate seal under the hands of Oliver Aiken Howland, Esquire, Mayor, and Richard Theodore Coady, Esquire, treasurer of the said city and keeper of the city seal.

Signed, Sealed and Delivered  
in the presence of

(Sgd.) JOHN A. PATERSON.

(Trustees' Seal.)

(Sgd.) JOHN HOSKIN,  
Chairman of Trustees  
of University of Toronto.

(Sgd.) O. A. HOWLAND,  
Mayor,

R. T. COADY,  
Treasurer.



## SCHEDULE D.

No. of By-law.	Nature of Work under By-law.	When passed by Council.	Amount of Debt Created.	Amount to be borne by City.	Amount to be borne by Ratepayers.	Period of Payment.	Rate of Interest.
			\$	\$	\$	Years.	
4,121	General consolidated loan debentures to complete Bathurst street school.....	Dec. 23, 1901.....	26,000 00	26,000 00	.....	27	3½
4,124	General consolidated loan debentures to erect certain buildings in the Exhibition Park.....	Jan. 27, 1902.....	133,500 00	133,500 00	.....	40	3½
4,134	Local Improvement debentures to defray the rate-payers' share of the cost of certain concrete sidewalks laid down in the year 1901.....	Feb. 10, "....	36,459 56	6,535 82	29,923 74	10	3½
4,135	Local Improvement debentures to defray the rate-payers' share of the cost of certain concrete sidewalks laid down in the year 1901.....	" 10, "....	19,380 15	4,158 70	15,221 45	10	3½
4,136	Local Improvement debentures to defray the rate-payers' share of the cost of certain plank sidewalks laid down in the year 1901.....	" 10, "....	10,035 42	1,838 12	8,197 30	3	3½
4,137	Local Improvement debentures to defray the rate-payers' share of the cost of certain plank sidewalks laid down in the year 1901.....	" 10, "....	10,232 93	1,714 27	8,518 66	3	3½
4,138	Local Improvement debentures to defray the rate-payers' share of the cost of certain concrete sidewalks laid down in the year 1901.....	" 24, "....	32,062 04	4,962 90	27,099 14	10	3½
4,139	Local Improvement debentures to defray the rate-payers' share of the cost of certain macadam pavements constructed in the year 1901.....	" 24, "....	61,483 74	18,044 87	43,438 87	Various.	3½

## SCHEDULE



## SCHEDULE D.—Continued.

No. of By-law.	Nature of Work under By-law.	When passed by Council.	Amount of Debt Created.	Amount to be borne by City.	Amount to be borne by Ratepayers.	Period of Payment.	Rate of Interest.
4,140	Local Improvement debentures to defray the ratepayers' share of the cost of certain asphalt pavements constructed in the year 1901.....	March 24, 1902.....	\$ 270,559 70	\$ 88,999 05	\$ 181,560 65	Years. 10	3½
4,141	Local Improvement debentures to defray the ratepayers' share of the cost of certain brick pavements constructed in the year 1901.....	" 24, 1902.....	54,702 24	13,172 43	41,529 81	10	3½
4,142	Local Improvement debentures to defray the ratepayers' share of the cost of certain cedar block pavements constructed in the year 1901.....	" 24, " ....	55,781 28	16,442 96	39,338 32	Various.	3½
4,143	Local Improvement debentures to defray the ratepayers' share of the cost of certain sewers constructed in the year 1901.....	" 24, " ....	5,588 08	1,233 55	4,354 53	Various.	3½
4,144	Local Improvement debentures to defray the ratepayers' share of the cost of certain plank sidewalks laid down in the year 1901.....	" 24, " ....	20,069 72	2,831 81	17,237 91	3	3½
4,145	Local Improvement debentures to defray the ratepayers' share of the cost of certain wooden curbing constructed in the year 1901.....	" 24, " ....	511 58	161 03	350 55	3	3½
4,146	Sewer on Summerhill avenue, between Yonge street and a point distant seven hundred and thirty-nine feet easterly therefrom.....	" 24, " ....	900 68	70 00	830 68	10	3½

## SCHEDULE D—Continued.

No. of By-law.	Nature of Work under By-law.	When passed by Council.	Amount of Debt Created.	Amount to be borne by City.	Amount to be borne by Ratepayers.	Period of Payment.	Rate of Interest.
			\$	\$	\$	Years.	
4,147	Concrete sidewalk on the east side of Pembroke street, between Shuter street and Wilton avenue.....	March 24, 1902....	745 03	111 43	633 60	10	3½
4,148	Granite sett and Scoria block on Custom House lane, between Yonge street and Bay street....	" 24, " ....	6,040 65	.....	6,040 65	10	3½
4,154	Local Improvement debentures to defray the ratepayers' share of the cost of certain concrete sidewalks laid down in the year 1901.....	April 7, " ....	1,671 96	255 36	1,416 60	10	3½
4,155	Local Improvement debentures to defray the ratepayers' share of the cost of certain plank sidewalks laid down in the year 1901.....	" 7, " ....	2,172 65	377 15	1,795 50	3	3½
4,157	Local Improvement debentures to defray the ratepayers' share of the cost of certain plank sidewalks laid down in the year 1901.....	" 21, " ....	4,583 40	855 17	3,728 23	3	3½
4,161	The Extension of Noble street, from its present east end and southerly to Queen street.....	May 5, " ....	4,404 10	.....	4,404 10	5	3½
4,163	Local Improvement debentures, consolidating the broken amounts, being the ratepayers' share named in certain local improvement by-laws....	" 19, " ....	435,620 29	.....	435,620 29	Various.	3½
4,164	Local Improvement debentures consolidating the City's proportion of the amounts named in certain local improvement by-laws.....	" 19, " ....	161,764 62	161,764 62	.....	10	3½

## SCHEDULE

SCHEDULE D.—Continued.

No. of By-law.	Nature of Work under By-law.	When passed by Council.	Amount of Debt Created.	Amount to be borne by City.	Amount to be borne by Ratepayers.	Period of Payment.	Rate of Interest.
4,185	General consolidated loan debentures to pay for certain works for the Sunlight Soap Company and to pay for the laying of water mains upon certain streets and to improve the Cattle Market.....	Oct. 6, 1902.....	\$ 82,215 00	\$ 82,215 00	\$ .....	27	3½
4,186	Purchasing and supplying fuel to charitable institutions and citizens, in limited quantities....	" 13, " ....	50,000 00	50,000 00	.....	.....	.....



## CHAPTER 87

## An Act respecting the Town of Whitby.

*Assented to 12th June, 1903.*

## Preamble.

**W**HEREAS certain owners of lands in blocks of at least twenty acres used wholly for farming purposes in the Town of Whitby, have by their petition to the Town of Whitby, prayed that their said lands might be relieved from the ordinary rate of taxation by the said council for electric lighting, fire protection, the construction of sidewalks and other general rates of the town to a certain extent, and that the said lands be wholly exempt from future debenture debts, except for school purposes, the payment of the present debt and for the re-building of municipal buildings; and whereas the said council has consented that some adequate and proper relief shall be afforded to all owners of such farm lands in said town, and have adopted a by-law for regulating taxation of all farm lands in the said town; and whereas the said municipal council of the said town, and the said petitioners are desirous that an Act may be passed to confirm the said by-law; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

## By-law 631 confirmed.

1. By-law No. 631 of the Municipal Corporation of the Town of Whitby, set forth in full in the Schedule to this Act, is confirmed and declared to be legal, valid and binding upon all parties owning farm lands as set forth in the said by-law, and upon the Corporation of the Town of Whitby, notwithstanding anything contained in any law to the contrary; provided that the said by-law shall be read subject to an exception in the case of that part of the south half of township lot No. 22 (being a part of the lands referred to in clause 1 of the said by-law) now owned by one Milton H. Starr, physician, which said excepted lands shall, subject to the other provisions of the said by-law, be rated and assessed at \$38 per acre so long as the said by-law remains in force.

## Proviso.

## SCHEDULE.

## BY-LAW No. 631.

“A By-law of the Council of the Corporation of the Town of Whitby respecting the assessment of lands in blocks of twenty acres wholly used for farming purposes in the Town of Whitby.”

“Whereas Joseph B. Mitchell, David Ormiston, William Jeffrey, John E. Farewell, Emanuel Sleep, John D. Howden, O. Dingman, Robert L. Huggard, Charlotte F. Annis and George Hewis, owners of lands in blocks of at least twenty acres used wholly for farming purposes, situate within the Town of Whitby, have by their petition to the Municipal Council of the Town of Whitby asked that their said lands while used only for farming purposes shall for the period of ten years be rated for taxation on the assessed value thereof as hereinafter mentioned, and that their said lands while used for farming purposes shall be wholly exempt from taxation for the payment of any future debenture debt of the said town except such as is contracted for school purposes, or for the renewal or consolidation of the present existing debenture debt or debts or some part thereof, or for the re building of the municipal buildings of the town in case of destruction by fire or otherwise after the application of the insurance money thereon, and that the rate hereby given the said lands shall not be lessened by any of the exemptions mentioned in section 8 of Chapter 224 of the Revised Statutes of Ontario, 1897, and by their petition have expressed their willingness that no owner or lessee in respect of such lands shall have the right to vote upon any By-law for the creating of any future debenture debts except such as are heretofore mentioned, and that the said Town Council may apply for legislative sanction if necessary or expedient in respect of any By-law to grant them the relief asked for, and that the said Council shall be at liberty to have embodied in such By-law a provision that the Council may submit By-laws to the electors as hereinafter mentioned for granting bonuses to manufacturers or for raising monies to pay for establishing water-works in the said town, conditioned that no rate to raise monies for such By-laws shall be levied on lands used as farm lands in blocks of twenty acres, and that no owners of such lands shall be allowed to vote upon the said By-laws in respect of the said lands, and

Whereas the said owners have agreed with the said Municipal Council to accept the relief which will be furnished by the Legislative Assembly of the Province of Ontario confirming if it will the following By-law which the said Municipal Council has agreed to pass for the relief of the said owners and the owners of all other farm lands in the said town used, held and owned as farm lands only in blocks of not less than twenty acres and,

Whereas it is expedient to grant the prayer of the said petitioners and to provide as well that the relief granted to the petitioners shall apply to all owners of such farm lands in the Town of Whitby during the period aforesaid,

Therefore the Council of the Corporation of the Town of Whitby enacts as follows :—

1. That the said lands of the said owners and all other lands in the said Town of Whitby owned and used as farm lands only in blocks of not less than twenty acres shall hereafter and while used as farm lands only and in blocks of not less than twenty acres as aforesaid be rated on the present assessed value thereof in manner following, that is to say :—

(a) For expenditure for general town purposes not more than four mills on the dollar ;

(b) For the payment of the present debenture debt or debts of the town, the same rate as is required and is from time to time levied on other town property.

(c)

(c) For expenditure for school purposes the same rate as is required and is from time to time levied on other town property ;

(d) For County purposes the same rate as is required and is from time to time levied upon other town property ;

And that no further or other rate be levied on said lands by the Council of the Town of Whitby.

2. That the lands mentioned in clause 1 hereof shall be wholly exempt from taxation for the payment of any future debenture debt of this Town except such as is contracted for school purposes or for the renewal or consolidation of the present existing debenture debt, or debts, or some part thereof or for the rebuilding of the present Municipal buildings in case of their destruction by fire or otherwise after the application of the insurance money thereon.

3. That the rate hereby given the said lands mentioned in clause 1 hereof, shall not be lessened by any of the exceptions mentioned in section 8 of chapter 224 Revised Statutes of Ontario, 1897.

4. That no owner or lessee of any of the lands mentioned in clause 1 hereof shall in respect of any such lands have the right to vote on any By-law for the creating or contracting of any future debenture debt except such as is for school purposes or for the renewal or consolidation of the present existing debenture debt or debts or some part thereof, or for the re-building of the present Municipal buildings, (in case of destruction by fire or otherwise where such re-building is necessary) after the application of the insurance monies thereon.

5 The Council of the said Town may submit By-laws for granting aid to manufacturers in accordance with and subject to the provisions of the Municipal Act or for the establishment of waterworks or an electric light plant, or the purchase of any existing electric light plant ; but no rate shall be levied on said lands while used as farm lands in blocks of at least twenty acres in respect of debts created thereby, nor shall the owners of such lands vote on said By-laws in respect of the same.

6. Provided that when any parts of such lands shall become divided up and held by owners in parcels less than twenty acres or be not used for farm purposes the parts so divided up or ceased to be used for farm purposes they shall become liable to the general tax of the Town in common with other than farm lands.

7 That the proportion which the assessment of the properties in the Town of Whitby, other than farm lands bears to the present assessment of the said farm lands, shall not be changed during the period of ten years so that the aggregate thereof shall be reduced.

8. Such agreement as to the rate of assessment and the right to vote on debenture By-laws shall be in force for ten years and may be renewable from time to time by the Council of the Town of Whitby on the petition of the majority of the then owners of farm lands in blocks of twenty acres and upwards used as farm lands.

9. This By-law shall come into force immediately on the confirmation thereof by the Legislative Assembly of the Province of Ontario and shall thereafter continue as in effect and in force from the beginning of the year 1903,

10. The Mayor and the Clerk of the Town of Whitby are hereby authorized to give the necessary notices, sign the necessary petition and pay all fees for procuring the confirmation of this By-Law by the Act of the said Legislative Assembly.

Passed this fifteenth day of December, A. D. 1902.

(Sgd.) JOSEPH WHITE,  
Clerk.

(Sgd.) A. M. ROSS,  
Mayor, (L.S.)

## CHAPTER 88.

## An Act respecting the Township of York.

*Assented to 12th June, 1903.*

**W**HEREAS the Municipal Corporation of the Township of Preamble.  
York has by petition prayed for special legislation in respect of the several matters hereinafter set forth; and whereas the said municipal corporation agreed with The Canadian General Electric Company, Limited, that the annual assessment of the lands, buildings and personal property hereinafter described of the said company, situate within the Township of York, should be fixed at \$150,000, for the period of twenty years, and pursuant to such agreement a by-law of the said municipal corporation was passed; and whereas it has been made to appear that the said The Canadian General Electric Company, Limited, and the business to be carried on by the said company upon the said lands are and will be of much benefit to the said municipal corporation; and whereas the said company, acting under and on the faith of the said agreement and by-law, has erected and equipped its buildings, factories and works and intends further to extend and enlarge its buildings, factories and works; and whereas the said by-law has not been moved against nor have any objections been made to the said by-law; and whereas it has been made to appear that the said company carries on a large trade throughout and beyond the Province of Ontario and has numerous agencies and business connections; and whereas the nature and importance of the intended operations of the said company are of special interest throughout the Province, and the business industries and enterprises of the said company are, and are calculated to continue and be of general public advantage and the carrying out of the said business and the continuance and extension of its operations will impart a large increase in value to other properties in the immediate vicinity of the said works, and also to other properties in the said municipality and in the adjacent municipalities and will greatly and generally promote business activity and prosperity; and whereas the said municipal corporation has by its petition prayed that an Act may be passed confirming the said by-law; and whereas it appears to be desirable and expedient, and to the public interests, that the said by-law should be confirmed and validated; and whereas it is expedient to grant the prayer of the said petition respecting the said by-law and otherwise as hereinafter set forth;  
Therefore,



Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Assessment  
rolls con-  
firmed.

1. All assessment rolls of the said township heretofore finally revised, all collectors' rolls of the said township heretofore returned by the collectors thereof, and all collectors' returns heretofore made, are hereby validated and confirmed notwithstanding any irregularity, fault or omission in the said assessments, collectors' rolls or collectors' returns, or in any matter or thing done or omitted to be done in relation thereto, and notwithstanding anything contained in any Act or Acts to the contrary.

Tax sales  
confirmed.

2. All sales of land within the said township made before the 1st day of January, A.D. 1901, and purporting to be made for arrears of taxes in respect of the lands so sold, including sales of land which may have been purchased by the council of the said corporation or by anyone on behalf of the said council, under the provisions of *The Assessment Act*, and all tax deeds purporting to be issued in pursuance of such sales are hereby validated and confirmed, notwithstanding any error of description and notwithstanding any irregularity in the assessments or any other proceedings for imposition of any taxes so in arrear or any failure to comply with the requirements of *The Consolidated Assessment Act, 1892*, or of *The Assessment Act* or of any Act or Acts amending the same in regard to the certifying or signing of the same, or the making of any affidavit or oath required in connection therewith, or in regard to the time for the return of any collectors' roll of the said township, or in regard to the furnishing, authenticating or depositing of any list of land in arrear for taxes within the said township or the furnishing by the collector of any account of the taxes remaining due on any and all collectors' rolls, or in regard to the mailing of notice to any person in respect to whose land any taxes appeared at any time to be in arrear, or in regard to any omission to levy the amount of any such taxes in arrear by distress and sale of goods, and notwithstanding any other failure, omission or mistake of any kind whatsoever in or about the said sale on the part of any official of the said township, and notwithstanding anything to the contrary in any of the said Acts contained.

Power to sub-  
divide town-  
ship and dis-  
criminate as  
to rate of  
taxation.

3. The Municipal Council of the Township of York may by by-law divide the municipality into two or more sub-divisions as the said council shall deem expedient, and may define the limits of such sub-divisions, and may discriminate between such sub-divisions in imposing the township rate and the said council shall have power to levy and collect such rates.

4. By-law No. 1889 of the Municipal Council of the Corporation of the Township of York passed on the sixth day of October, 1902, and set out in the Schedule to this Act is confirmed and declared to be legal and binding for all purposes including school rates on the said Township of York and the ratepayers thereof, notwithstanding anything in any Act to the contrary, and the said council may pass all by-laws and do all such acts as may be necessary to give effect to the said by-law No. 1889, according to the true intent and meaning thereof.

By-law No. 1889 fixing assessment of Canadian General Electric Co. confirmed.

## SCHEDULE.

### By-LAW No. 1889.

A by-law providing that the assessment of the lands and property hereinafter described be fixed at \$150,000 per annum for a period of twenty years.

Whereas The Canadian General Electric Company, Limited, have by their Petition represented that the said Company are now seized of the lands and premises hereinafter described, and that a large sum of money has been and will be expended by the said Company upon the said lands in erecting buildings thereon and installing therein the necessary plant and machinery for the purposes of the business there carried on under the name of "The Canada Foundry Company."

And whereas the said Company have by their said Petition requested that a by-law be passed providing that the annual assessment of the said lands and other property be fixed at not more than the sum of one hundred and fifty thousand dollars each year for a period of twenty years, to be computed from the first day of January, A.D., 1903.

And whereas it appears expedient to accede to said request,

Be it therefore enacted by the Municipal Council of the Corporation of the Township of York,—

1. That all and singular those certain parcels or tracts of land and premises owned by the said company situate lying and being in the Township of York, in the County of York, and Province of Ontario, containing by admeasurement about twenty-seven and a half acres more or less, and being composed of blocks "O" and "P" as shown on a plan filed in the said Office of Land Titles in Toronto and designated therein as M. 203 and that part of block "H" owned by the Company, as the same are shewn on a plan filed in the Office of Land Titles in Toronto, and designated therein as M. 58, together with all buildings, stock-in-trade, plant, machinery, fixtures and materials now or hereafter thereon or therein and all other personal and other assessable property of the Company for a period of twenty years to be computed from the first day of January, A.D. 1903, shall be annually assessed for all purposes en bloc at the sum of one hundred and fifty thousand dollars (\$150,000) and no more, as a fixed assessment and the said lands and premises and property shall be for such time exempt from any special assessment for any improvement or work of that class of improvements or works where the costs thereof or any part thereof is or would otherwise be charged against the lands specially benefited thereby, except in respect of local improvement rates heretofore assessed against the said lands for local improvements on Davenport Road under by-law No. 1621.

2. In case any part or parts of said lands shall be used for the purpose of dwelling-houses or for any purpose not connected with the business of the Company such part or parts when and so long as used for such purpose, shall be assessable as if this by-law had not been passed, and in the event of the destruction of the said buildings or property or any part thereof so that the value of the same with the said lands and other property shall not be equal to the said sum of one hundred and fifty thousand dollars (\$150,000) the assessment shall be made while such value is under one hundred and fifty thousand dollars (\$150,000) as if this by-law had not been passed.

3. The assessors and other officers making such assessment are hereby authorized and required to so make their assessments and returns as to conform to the provisions of this by-law.

4. Application shall be made by the said Municipal Corporation or the said Company to the Legislature of the Province of Ontario to confirm this by-law and to carry the provisions thereof into effect and if such application be made by the Company the Municipal Corporation will give its consent thereto.

5. On such legislation being obtained this by-law shall come into effect.

Passed October 6th, 1902.

W. A. CLARKE,  
Clerk.

HENRY DUNCAN,  
Reeve.

[SEAL.]

## CHAPTER 89.

## An Act respecting Glen Road Bridge in the Township of York.

*Assented to 12th June, 1903.*

**W**HEREAS certain owners of real property in the Town-<sup>Preamble</sup>ship of York have represented that the chief means of access to an important district of the said township commonly called North Rosedale, adjacent to the City of Toronto, from the said city is Glen Road, upon part of which is an iron bridge over a deep ravine, which road was constructed and bridge erected by a private corporation, and the ownership in which, prior to the passing of *The Surveys Act* (being chapter 181 of the Revised Statutes of Ontario, 1897) was vested in the said private corporation, and that while the said township has never assumed the said road or bridge and is not liable for the repair or maintenance of the same yet that the said bridge has become to all intents a public bridge; and whereas it has been made to appear that a majority of the owners of real property in the said district of North Rosedale, representing about two-thirds of the assessed value thereof, desire that the said bridge should be reconstructed as a local improvement, and the whole cost thereof assessed on the property benefited thereby; and whereas it is expedient to grant relief in the premises;

Rev. Stat.  
c. 181.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Council of the Corporation of the Township of York shall, without it being necessary to pass any by-law in that behalf, reconstruct and repair the said Glen Road Bridge, and is hereby empowered to and shall assess the cost thereof by a special annual rate upon the real estate contained in the area bounded on the east by the right of way of the Belt Line Railway, on the north by the right of way of the Canadian Pacific Railway Company, and on the south and west by the limits of the City of Toronto, in the proportion in which the value for assessment purposes of each parcel of land in said area bears to the whole value for assessment purposes of the lands in the said area.

Reconstruction  
of Glen  
Road bridge.

2. The entry forthwith upon the said road and works by the servants and officers of the said Corporation is hereby authorized; but the passing of this Act and making of such entry and the undertaking of the said works shall not impose

Authority  
conferred on  
township.



impose upon the said township any liability for the maintenance or repair of the said bridge.

Engineer to be  
appointed by  
County Judge.

3. The repair and reconstruction of the said bridge shall be performed under the supervision of a competent engineer to be appointed in that behalf by one of the judges of the County Court of the County of York upon notice to be served upon the clerk of the said township.

St. Andrew's  
College and  
Lacrosse  
Grounds to be  
assessed.

4. Notwithstanding any provision of *The Assessment Act* and the Act passed in the 56th year of the reign of Her late Majesty Queen Victoria, chaptered 87, the lands of St. Andrew's College Company, Limited, and of The Toronto Lacrosse and Athletic Association, Limited, shall be liable to be assessed for and to pay the annual special rate authorized by this Act.

Township  
authorized to  
borrow funds.

5. The council of the said township may borrow sufficient funds to pay for the doing of the said works including all expenses incidental thereto, and upon completion thereof and ascertainment of the cost of the same may without passing a by-law as provided by *The Municipal Act* issue debentures to repay such temporary loan or advance; provided, however, that the total amount of such debentures shall not exceed twelve and one-half per cent. of the value for assessment purposes of the lands in the said area.

Rev. Stat.,  
c. 223.

Debentures—  
how issued.

6. The said debentures shall be issued in currency or sterling money for amounts not less than \$100 currency or twenty pounds sterling, and shall be sealed with the seal of the said Corporation, and be signed by the reeve and township treasurer.

Terms of, etc.

7. The said debentures shall be made payable in twenty years from the date thereof and shall have attached to them coupons for the payment of interest, at a rate which shall not exceed four and one-half per cent. per annum payable yearly. The principal sum secured by the said debentures and the interest accruing thereon may be made payable at such place or places as the said municipal corporation may deem expedient.

Sale of  
debentures.

8. The said debentures may be sold or hypothecated, and the proceeds applied for the purpose above specified and for no other purpose.

May be  
guaranteed by  
Township.

9. The debt to be incurred may be, and in such debentures may be declared to be, guaranteed by the said municipality at large.

By-laws may  
be passed.

10. The council of the said township may pass a by-law or by-laws to authorize the issue of such debentures under the provisions of *The Municipal Act*, as well as under the authority of this Act so long as none of the provisions of any such by-law are inconsistent with any of the provisions of this Act.

Rev. Stat.,  
c. 223.

## CHAPTER 90.

## An Act to incorporate The Belleville and Point Ann Railway Company.

*Assented to 12th June, 1903.*

**W**HEREAS, The Belleville Portland Cement Company, Preamble.  
 Limited, have by their petition prayed that Alfred A. Ansley, wholesale merchant; William Pinkerton, barrister-at-law, both of the City of Toronto, in the County of York; John McGowan, of the Town of Elora, in the County of Wellington, member of Parliament; Thomas Samuel Carman, Esquire; Uriah E. Thompson, banker, and Joseph W. McNab, Secretary-Treasurer of The Belleville Portland Cement Company, Limited, all of the City of Belleville, in the County of Hastings, be incorporated under the name of "The Belleville and Point Ann Railway Company," for the purpose of constructing, maintaining and operating a steam railway from a point on the Grand Trunk Railway line, in the Township of Thurlow; thence through a portion of the said Township to the shore of the Bay of Quinte, at a point known as Point Ann, all within the County of Hastings, and the said Company have prayed that an Act may be passed for that purpose; and whereas, it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows.

1. The said Alfred A. Ansley, William Pinkerton, Thomas Samuel Carman, Uriah E. Thompson, John McGowan and Joseph W. McNab, together with such other persons as shall in pursuance of this Act, become shareholders in the Company hereby incorporated, are hereby constituted and declared to be a body corporate and politic by the name of "The Belleville and Point Ann Railway Company," hereinafter called "the Company." Incorporation.

2. The Company is hereby authorized and empowered to survey, lay out, construct, complete, and operate a steam railway, from a point on the Grand Trunk Railway line, in the Township of Thurlow; thence through a portion of the said Township to the shore of the Bay of Quinte, at a point known as Point Ann, all within the County of Hastings. Location of line.

Gauge.

3. The gauge of the said railway shall be four feet eight and one-half inches.

Provisional directors.

4. From and after the passing of this Act the said Alfred A. Ansley, William Pinkerton, Thomas Samuel Carman, Uriah E. Thompson, John McGowan and Joseph W. McNab, with power to add to their number, shall be and are hereby constituted a board of provisional directors of the Company, and shall hold office as such until the first election of directors under this Act.

Powers of provisional directors.

Rev. stat., c. 207.

5. The said board of provisional directors shall have power forthwith to open stock books and procure subscriptions of stock for the undertaking, and to allot the stock and receive payment on account of stock subscribed, and to make calls upon subscribers in respect of their stock, and to sue for and recover the same; and to cause plans and surveys to be made, and with all such other powers as under *The Railway Act of Ontario* are vested in ordinary directors; the said directors, or a majority of them, or the board of directors to be elected as hereinafter mentioned, may in their discretion exclude any one from subscribing for stock, who, in their judgment, would hinder, delay or prevent the Company hereby incorporated from proceeding with and completing their undertaking under the provisions of this Act. If at any time a portion or more than the whole of the stock has been subscribed, the said provisional directors or board of directors shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers, if, in their judgment, such exclusion will best secure the building of the said line of railway; and all meetings of the provisional board of directors shall be held at the City of Belleville, or at such other place as may best suit the interests of the said Company.

Subscriptions for stock when binding.

6. No subscriptions for stock in the capital of the Company shall be binding on the said Company unless it shall be approved by resolution of the directors, nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription.

Capital stock.

Rev. Stat., c. 207.

7. The capital stock of the Company shall be \$50,000, with power to increase the same in the manner provided by *The Railway Act of Ontario*, to be divided into 500 shares of \$100 each, and shall be raised by the persons who may become shareholders in the company; and the money so raised shall be applied in the first place to the payment of all fees, expenses and disbursements of and incidental to the obtaining of this Act and for making the surveys, plans and estimates connected with the works hereby authorized; and the remainder  
of



of such money shall be applied to the making, equipment, completion and maintaining of the said line of railway and to the other purposes of this Act.

8. When and so soon as shares to the amount of \$5,000 of the capital stock of the Company shall have been subscribed and ten per centum paid thereon into some chartered Bank of the Dominion having an office in the Province of Ontario, to the credit of the Company, and which shall on no account be withdrawn therefrom unless for the services of the Company, the provisional directors, or a majority of them, present at a meeting duly convened for the purpose, shall call a general meeting of the shareholders who shall have so paid ten per centum upon the amounts subscribed by them, for the purpose of electing directors of the Company. First general meeting.

9. In case the provisional directors neglect to call a meeting for the space of three months after \$5,000 of the capital stock shall have been subscribed, and ten per centum thereof so paid up, the same may be called by any five of the subscribers who shall have so paid up ten per centum and who are subscribers collectively for not less than \$500 of the capital stock and who have paid up all calls thereon. When subscribers may call first meeting.

10. In either of the cases last mentioned, notice of the time and place of holding such general meeting shall be given by publication in at least one newspaper in the said City of Belleville, once in each week for the space of at least one month and in *The Ontario Gazette*; and such meeting shall be held in the said City of Belleville, at such place therein and on such days and at such hours as may be named and set forth in such notice. Notice of meeting.

11. At such general meeting the shareholders present either in person or by proxy, who shall at the opening of such meeting have paid up ten per centum on the stock subscribed by them, shall choose not less than three nor more than five persons to be directors of the Company in manner and qualified as hereinafter mentioned who shall constitute a board of directors and shall hold office until the next annual general meeting; and may pass such rules, regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act and *The Railway Act of Ontario*. Election of directors.

12. No person shall be qualified to be a director unless he be a shareholder holding at least ten shares of stock in the Company, and unless he has paid up all calls thereon. Rev. Stat. c. 207. Qualification of directors.

13. Aliens as well as British subjects, and, whether resident within this Province or elsewhere, may be shareholders in the Company; and all such shareholders shall be entitled to vote on their shares equally with British subjects and shall also be eligible to hold office as directors in the Company. Rights of aliens.



Subsequent  
annual  
meetings.

14. The annual general meetings of the Company shall be held at such place in the said City of Belleville and on such days and at such hours as may be directed by the by-laws of the Company; and public notice thereof shall be given at least thirty days previously in *The Ontario Gazette*, and once in each week during the four weeks preceding the week in which such meeting is to be held in at least one newspaper published in the said City of Belleville.

Special  
general  
meetings.

15. Special general meetings of the shareholders of the Company may be held at such places in the said City of Belleville and at such times and for such purposes as may be provided by the by-laws of the Company upon such notice as is provided in the last preceding section.

Number of  
votes.

16. Every shareholder of one or more shares of the said capital stock shall at any general meeting of the shareholders be entitled to one vote for every share so held.

Representa-  
tives of muni-  
cipalities, etc.  
at meetings.

17. At all meetings of the shareholders of the Company the stock held by such corporations as may be legally entitled to invest in the stock of the Company may be represented by such persons as they shall respectively have appointed in that behalf by resolution under the seal of the corporation; and such persons shall at such meetings be entitled equally with other shareholders to vote by proxy; and no shareholder shall be entitled to vote on any matter whatever unless all calls due on the stock held by such shareholder shall have been paid up at least one week before the day appointed for such meeting.

Power of  
directors in  
session.

18. Any meeting of the provisional or elected directors of the Company regularly summoned, at which at least a majority are present, shall be competent and entitled to exercise and use all and every of the powers hereby vested in the said directors, and the said board may employ and pay one of their number as managing director.

Calls.

19. Calls on the subscribed capital of the Company may be made by the directors for the time being as they shall see fit, provided that no calls shall be made at any one time for more than ten per centum of the amount subscribed by each subscriber, and at no less intervals than one month, and notice of each call shall be given as provided in section 14 of this Act.

Transfer of  
shares.

20. Shares in the capital stock of the Company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the Company, or the surrender thereof dispensed with by the Company.

21. The directors of the Company shall have power to issue bonds of the Company for the purpose of raising money for prosecuting the said undertaking, but the whole amount of the issue of such bonds shall not exceed in all the sum of \$10,000 for each mile of the said railway, and the provisions of sub-sections 19, 20, 21, 22 and 23 of section 9 of *The Railway Act of Ontario* shall apply to all such bonds and the issue thereof, and such bonds shall be issued subject and according to and in conformity with the provisions of the said sub-sections.

Bonding  
powers.

Rev. Stat.  
c. 237.

22. The Company may from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they may be enabled under the powers of this Act to issue for the construction of the said railway.

Mortgaging or  
pledging  
bonds.

23. The Company may also construct an electric telegraph line and a telephone line in connection with their railway; and, for the purpose of constructing, working and protecting the said telegraph and telephone lines, the powers conferred upon telegraph companies by *The Act respecting Telegraph Companies*, being Chapter 192 of the Revised Statutes of Ontario, 1897, are hereby conferred upon the Company; provided that no poles shall be erected in the construction of either of the said lines in or through any city, town or incorporated village without the consent of the council of such city, town or village being first obtained by the Company; provided also that such telegraph and telephone lines be used exclusively for the purposes of the business of the Company.

Telegraph and  
telephone  
lines.

24. Conveyances of land to the Company for the purposes of and powers given by this Act made in the form set forth in Schedule A hereunder written, or to the like effect, shall be sufficient conveyance to the Company, their successors and assigns of the estate or interest therein mentioned and sufficient bar of dower respectively of all persons executing the same; and such conveyances shall be registered in such manner and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

Form of con-  
veyance of  
land to  
company

25. Any municipality through which the said railway passes, and having jurisdiction in the premises may, subject to the provisions and conditions contained in this Act, *The Municipal Act* and any Act or Acts amending the same, and subject also to the terms of, and, unless restricted by any agreement lawfully entered into between any such municipality and any other railway or street railway company, pass a by-law or by-laws empowering the said company to make their road and lay their rails along any of the highways with-  
in

Construct-  
ing line on  
highways

in such municipality, including any road in the possession or under the control of any road company, and if such highways be in the possession of or under the control of any road company, then also with the consent of and subject to the conditions imposed by such road company, and under and subject to any agreement or agreements hereafter to be made between any such municipality and the said company, and it shall and may be lawful for the said company to enter into and perform any such agreements as they may from time to time deem expedient with any municipality, corporation or person for the construction or for the maintenance and repair of gravel or other public roads leading to or used by the said railway.

Directors empowered to pay in cash.

**26.** The directors may enter into a contract or contracts with any individual, corporation or association of individuals for the construction or equipment of the railway or any part thereof, including or excluding the purchase of right of way and may pay therefor either in whole or in part, either in cash or bonds, or in paid up stock and may pay or agree to pay in paid up stock or in bonds of the said company such sums as they may deem expedient to engineers or for the right of way or material, plant or rolling stock and also for the services of the promoters, or other persons who may be employed by the directors for the purpose of assisting the directors and furthering the undertaking or for the purchase of right of way, material, plant or rolling stock whether such promoters or other persons be provisional or elected directors or not, provided that no such contract shall be of any force or validity unless first authorized by resolution passed by the votes of the shareholders in person or by proxy, representing two-thirds in value of the whole amount paid up of the total capital stock of the company then issued and outstanding at a general meeting of the shareholders specially called for the purpose of considering such matters, and the stock so acquired by any person shall for all purposes be deemed to be paid up in cash.

Agreements with other companies.

**27.** It shall be lawful for the directors of the Company to enter into an agreement with any company or companies (if lawfully authorized to enter into such an agreement), person or persons, for the leasing, hiring or use of any locomotives, carriages, rolling stock or any other movable property from such companies and persons for such time and times and on such terms as may be agreed on ; and also to enter into an agreement with any railway company or companies (if so lawfully authorized) for the use by one or more of such contracting companies of the locomotives, carriages, rolling stock and other moveable property of the other or others of them, on such terms as to compensation and otherwise as may be agreed upon.



28. The Company may enter into an arrangement with the Grand Trunk Railway Company of Canada and the Canadian Pacific Railway Company, if lawfully authorized to enter into such arrangements, for the leasing or working of the said line of railway, either wholly or partially, or for running powers over the same on such terms and conditions as the directors of the several contracting companies may agree on; and generally may make any agreement or agreements with either or both of the said companies; if so lawfully authorized, touching the use by one or the other or by both companies of the railway or rolling stock of either or both or any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor, if the arrangements and agreements shall be approved of by two-thirds in value of the shareholders voting in person or by proxy, at a special general meeting to be called for that purpose; and every such agreement shall be valid and binding according to the terms and tenor thereof; and the company or companies leasing or entering into such an agreement for using the said line of railway may, and are hereby authorized to, work the said line of railway, and in the same manner as if incorporated with their own line; but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

Agreement with Grand Trunk and Canadian Pacific Companies.

29. The authority and power conferred upon the company by this Act to enter into agreements with any other railway company for connections, running arrangements, lease, or hiring the said railway shall be subject to such terms, conditions and regulations as may be provided and enacted by any general or special Act or Acts which may at the time such agreement is entered into be in force and to such terms, conditions and regulations general or special as the Lieutenant-Governor in Council or any Special Committee of the Executive Council of Ontario appointed for that purpose may from time to time order.

Power as to agreements with other companies to be subject to regulations.

30. The several clauses of *The Railway Act of Ontario* and of every Act in amendment thereof, shall be incorporated with, and be deemed to be part of this Act, and shall apply to the Company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act" when used herein shall be understood to include the clauses of the said Railway Act, and of every Act in amendment thereof so incorporated with this Act.

Application of Rev. Stat. c. 207.

31. The railway shall be commenced within one year, and finally completed within two years after the passing of this Act.

Commencement and completion.

## SCHEDULE



## SCHEDULE A.

Know all men by these presents that I (or we) (*insert the name or names of the vendor or vendors*) in consideration of                      dollars paid to me (or us) by The Belleville and Point Ann Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (or we) (*insert the name or names of any other party or parties*) in consideration of                      dollars paid to me (or us) by the said Company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (*or those certain parcels as the case may be*) of land (*describe the land*), the same having been selected and laid out by the said Company for the purposes of its railway to hold with the appurtenances unto the said The Belleville and Point Ann Railway Company, their successors and assigns (*here insert any other clauses, covenants and conditions required*) and I (or we) the wife (or wives) of the said                      do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal (or hands and seals) this  
day of                      , one thousand nine hundred and

Signed, sealed and delivered  
in the presence of

## CHAPTER 91.

## An Act respecting the Bruce Mines and Algoma Railway Company.

*Assented to 22nd May, 1903.*

WHEREAS the Bruce Mines and Algoma Railway Com- Preamble.  
pany has petitioned for an Act to authorize and empower the said company to construct, lay out, build and operate a railway from Rock Lake Station in the District of Algoma, thence northerly and easterly by the most feasible route to a point on the main line of The Canadian Pacific Railway between Chapleau and Biscotasing Stations, and to extend the time for the construction and completion of its railway; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Bruce Mines and Algoma Railway Company, is hereby authorized and empowered to construct, equip and operate a line of railway from Rock Lake Station on its line of railway, thence northerly and easterly by the most feasible route to a point on the main line of The Canadian Pacific Railway between Chapleau and Biscotasing Stations. Location of line to James Bay.

2. The said railway shall be finished and put in operation within five years after the passing of this Act and in default thereof the powers hereby conferred shall absolutely cease with respect to so much of the railway as then remains un-completed. Time for completion of work.

## CHAPTER 92.

## An Act to amend the Act incorporating the Canada Central Railway Company.

*Assented to 12th June, 1903.*

## Preamble.

WHEREAS the Canada Central Railway Company has by its petition prayed that an Act may be passed authorizing the company to lay out, construct and operate a line of railway, from and in connection with its main line, from some point at or near the Town of Sudbury, in the District of Nipissing, to some point at or near the City of Toronto, passing through the Districts of Nipissing, Parry Sound and Muskoka, the Provisional County of Haliburton and the Counties of Victoria, Ontario, Durham and York; also a line from some point on the main line of the said railway, at or near the Montreal River, easterly to some point on the boundary line, between Ontario and Quebec; and to exercise with regard to such lines all the powers and privileges given to the said company by its Act of Incorporation; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Branchlines  
authorized.

1 The said Canada Central Railway Company may lay out, construct and operate the following lines of railway from and in connection with its main line:—

(1) From some point at or near the Town of Sudbury, in the District of Nipissing, thence in a south easterly direction through the said District of Nipissing, and through the District of Parry Sound to Scotia Junction, in the said District of Parry Sound, thence southerly through the said District of Parry Sound, the District of Muskoka, the Provisional County of Haliburton and the County of Victoria, to a point at or near the Town of Fenelon Falls, in the said County of Victoria, thence still in a southerly direction through the Townships of Fenelon, Verulam, Ops and Mariposa, in the said County of Victoria, or any two or more of the said townships, and the Township of Reach, in the County of Ontario, to a point at or near the Village of Port Perry, thence in a southerly direction through the said Township of Reach and the Township of Cartwright, in the County of Durham, or either

or

or both of said townships, and thence in a south westerly direction through the Townships of Whitby and Pickering, in the said County of Ontario, and the Townships of Markham, Scarboro and York, in the County of York, to a point at or near the City of Toronto.

(2) From some point on the main line of the said railway at or near the Montreal River, in the District of Nipissing, in the Province of Ontario, easterly to some point on the boundary line between Ontario and Quebec. And the said company may exercise with regard to such lines all the powers and privileges given to the said company by its Act of Incorporation, subject to the limitations and conditions therein contained.

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## CHAPTER 93.

## An Act to incorporate The Embro Radial Railway Company.

*Assented to 12th June, 1903.*

## Preamble.

WHEREAS James Sutherland of the Township of East Nissouri in the County of Oxford, farmer, John G. Lindsay, of the Township of West Zorra in the said County, farmer; Walter E. Anderson of the said Township of East Nissouri, farmer, William R. Munroe, of the said Township of West Zorra, farmer, James Munro of the Village of Embro, of the said county, banker, David R. Ross of the said Village of Embro, miller, Henry Adams of the said Village of Embro, physician, and Hector Sutherland of the said Village of Embro, undertaker, have by their petition prayed for an Act of incorporation under the name of "The Embro Radial Railway Company" for the purpose of constructing and operating a railway (a) In and through the Village of Embro, in the County of Oxford, through the Townships of West Zorra and North Oxford to the unincorporated village of Beachville, all in the said county; (b) From the said Village of Embro through the Townships of East and West Zorra or North Oxford to and into the City of Woodstock, all in the said county; (c) From the said Village of Embro through the said Township of West Zorra, easterly to the north east corner of Lot number fifteen in the eighth concession of the said Township; (d) From the said Village of Embro through the said township of West Zorra westerly to the Town line; (e) From the said Village of Embro northerly, through the said Township of West Zorra and the municipalities of Downie, in the County of Perth to and into the City of Stratford in the said county of Perth; (f) From the said Village of Embro, through the said township of West Zorra and the Township of East Nissouri in the said county of Oxford or the Township of Downie and through the Township of Blanshard in the said county of Perth to and into the Town of St. Marys; and upon and over such public highways as may be authorized by the said municipalities or by the companies or individuals having jurisdiction or owning the same; and, whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said James Sutherland, John G. Lindsay, Walter E. Andison, William R. Munroe, James Munro, David R. Ross, Henry Adams and Hector Sutherland, and such other persons, firms and corporations as shall hereafter become shareholders of the said company are hereby constituted a body corporate and politic under the name of "The Embro Radial Railway Company."

2. The said company is hereby authorized and empowered to survey, lay out, construct, equip, maintain and operate by electricity or compressed air or any other motive power to be approved of by the Commissioner of Public Works, except steam, and from time to time remove and change a double or single track, iron or steel railway of the gauge of four feet eight and one-half inches with all necessary sidetracks and turnouts for the passage of cars, carriages and other vehicles adapted to the same, (a) In and through the Village of Embro, in the County of Oxford, through the Townships of West Zorra and North Oxford to the unincorporated Village of Beachville, all in the said county; (b) From the said Village of Embro through the Townships of East and West Zorra, or North Oxford to and into the City of Woodstock, all in the said county; (c) From the said Village of Embro, through the said Township of West Zorra, easterly to the North-east corner of Lot number fifteen in the eighth concession of the said township; (d) From the said Village of Embro through the said Township of West Zorra, westerly to the town line; (e) From the said Village of Embro northerly, through the said Township of West Zorra, in the said county, and the Municipalities of Downie, in the County of Perth to and into the City of Stratford, (f) From the said Village of Embro, through the said Township of West Zorra and the Township of East Nissouri, in the said County of Oxford or the Township of Downie and through the Township of Blanshard, in the said County of Perth to and into the Town of St. Marys; with power to build any part or branch of said railway in sections, and the said railways, or any part thereof, so far as the same may be operated by electricity or other motive power to be approved as aforesaid, may be carried along and upon such public highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same and subject to the restrictions and provisions therein and in this Act contained, and under and subject to any agreements between the company and the councils of any of the said corporations and between the company and the road companies (if any) interested in such highways; and the company may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway subject to the provisions and conditions contained in this Act and in *The Municipal Act*, and any Act or Acts amending the same.

Location of  
line.

Rev. Stat.,  
c. 223.

Provisional  
directors.

3. The said James Sutherland, John G. Lindsay, Walter E. Andison, William R. Munroe, James Munro, David R. Ross, Henry Adams and Hector Sutherland, shall be and are hereby constituted a board of provisional directors of the said company, of whom a majority shall be a quorum, and shall hold office as such until other directors shall be appointed under the provisions of *The Electric Railway Act*.

Rev. Stat.  
c. 209.

Number of  
directors.

4. The number of directors shall not be less than five, nor more than nine.

Head office.

5. The head office of the said company shall be at the said Village of Embro, and all meetings of the provisional board of directors of the company shall be held at the said Village of Embro, or at such other place as may best suit the interests of the company.

Capital stock.

6. The capital stock of the company shall be \$400,000, to be divided into 4,000 shares of \$100 each.

Application of  
capital.

7. The capital stock of the said company shall be applied and appropriated towards the construction of the said railway in the following manner: (1) \$40,000 to the section or branch "A" from Embro to Beachville. (2) \$70,000 to the section or branch "B" from Embro to Woodstock. (3) \$30,000 to the section or branch "C" from Embro to the north-east corner of lot number fifteen in the eighth concession of the Township of West Zorra. (4) \$30,000 to the section or branch "D" from Embro through West Zorra westerly to the town line. (5) \$100,000 to the section or branch "E" from Embro to Stratford. (6) \$130,000 to the section or branch "F" from Embro to St. Marys.

Organization  
of company.

8. When and so soon as twenty-five per centum of the authorized capital to be appropriated to any such section or branch shall have been subscribed, and ten per centum paid thereon in cash to the credit of the said company into some chartered bank in Ontario, and which shall on no account be withdrawn therefrom unless for the services of the company, the provisional directors or a majority of them present at a meeting duly called for the purpose shall call a general meeting of the shareholders of the said company for the purpose of organization.

Preference  
stock.

9.—(1) The directors may make a by-law for creating and issuing any part of the capital stock as preference stock, giving the same such preference and priority as respects dividends and otherwise over ordinary stock as may be declared by the by-law.

(2) The by-law may provide that the holders of shares of such preference stock shall have the right to select a certain  
stated



stated proportion of the board of directors, or may give them such other control over the affairs of the company as may be considered expedient.

(3) No such by-law shall have any force or effect whatever until after it has been unanimously sanctioned by a vote of the shareholders present in person or by proxy at a general meeting of the company duly called for considering the same or unanimously sanctioned in writing by the shareholders of the company; provided, however, that if the by-law be sanctioned by three-fourths in value of the shareholders of the company, the company may, through the Provincial Secretary, petition the Lieutenant-Governor-in-Council for an order approving the said by-law, and the Lieutenant-Governor may, if he sees fit, approve thereof, and from the date of such approval the by-law shall be valid and may be acted upon.

(4) Holders of shares of such preference stock shall be shareholders within the meaning of this Act and shall in all respects possess the rights and be subject to the liabilities of shareholders within the meaning of this Act; provided, however, that in respect of dividends and otherwise, they shall as against the ordinary shareholders, be entitled to the preferences and rights given by such by-law.

(5) Nothing in this section contained or done in pursuance thereof, shall affect or impair the rights of creditors of the company.

10. The date of the annual meeting of the shareholders shall be fixed by the by-laws of the said company. Annual meeting.

11. The directors may enter into a contract or contracts with any individual, corporation or association of individuals for the construction or equipment of the railway or any part thereof, including or excluding the purchase of right of way and may pay therefor either in whole or in part, either in cash or bonds, or in paid up stock and may pay or agree to pay in paid up stock or in bonds of the said company such sums as they may deem expedient to engineers or for the right of way or material, plant or rolling stock and also for the services of the promoters, or other persons who may be employed by the directors for the purpose of assisting the directors and furthering the undertaking or for the purchase of right of way, material, plant or rolling stock whether such promoters or other persons be provisional or elected directors or not, provided that no such contract shall be of any force or validity unless first authorized by resolution passed by the votes of the shareholders in person or by proxy, representing two-thirds in value of the subscribed capital stock, and on which no call is in default and unpaid, at a general meeting specially called for that purpose. Directors empowered to pay in stock.



Special rates  
for carriage of  
perishable  
goods.

12. The company may make special uniform rates for the carriage of fruit, milk and other perishable goods.

Acquiring  
rights on  
toll roads.

13. The company may make and enter into any agreement for the purchase of the rights of the owner or owners of any toll road upon or along which the proposed line of railway may run, and may retain and operate any such toll road under the provisions of *The General Road Companies Act*.

Rev. Stat.  
c. 193.

Laying rails  
on highways.

Rev. Stat.,  
c. 223.

14. Any municipality through which the said railway passes and having jurisdiction in the premises may, subject to the provisions and conditions contained in this Act, *The Municipal Act*, and any Act or Acts amending the same, and subject also to the terms of, and unless restricted by any agreement lawfully entered into between any such municipality and any other railway or street railway company, pass a by-law or by-laws empowering the said company to make their road and lay their rails along any of the highways within such municipality, including any road in the possession or under the control of any road company. And if such highways be in the possession of or under the control of any road company then also with the consent of and subject to the conditions imposed by such road company, and under and subject to any agreement or agreements hereafter to be made between any such municipality and the said company, and it shall and may be lawful for the said company to enter into and perform any such agreements as they may from time to time deem expedient with any municipality, corporation or person for the construction or for the maintenance and repair of gravel or other public roads leading to or used by the said railway.

Running  
arrangements  
with other  
companies.

15. The said company shall have power to agree for connections and making running arrangements with any company or companies now or hereafter lawfully authorized to construct and operate a railway or railways in any of the municipalities named in section 2 of this Act, if lawfully empowered to enter into any such agreement, upon terms to be first authorized by two-thirds in value of the shareholders, at a special general meeting to be held for that purpose, and it shall also be lawful for the said company to enter into an agreement or agreements with the said companies or any of them, if lawfully authorized to enter into such an agreement, for the sale or leasing or hiring of the whole or any portion of the railway herein authorized, or the use thereof, or for the sale or leasing or hiring any motors, carriages or cars, or any of them, or of any part thereof, or touching any service to be rendered by one company to the other, and the compensation therefor, if the arrangements and agreements shall be so authorised by two-thirds in value of the shareholders voting in person or by proxy at a special general meeting to be called for that purpose, and every such agreement

agreement shall be valid and binding according to the terms and tenor thereof, and the company purchasing, leasing or entering into such agreement for using the said railway, may and are hereby authorized to work the said railway, in the same manner as if incorporated with their own line, subject to the provisions of any by-law or by-laws of the said municipalities which may from time to time be in force, so far as the same may affect the company hereby incorporated, or the railway to be built under the authority of this Act; provided that electric power, or other motive power to be approved as aforesaid, only shall be used in operating any portion of the said railways or any section or branch thereof; and provided also that no such agreement for connections, running arrangements, sale, leasing or hiring of the said railway or any portion thereof, shall be entered into by the said company unless and until the consent of the corporation of the municipality or municipalities having jurisdiction in that respect has first been obtained thereto; but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

**16.** The authority and power conferred upon the company by this Act to enter into agreements with any other railway company for connections, running arrangements, sale, lease, or hiring the said railway shall be subject to such terms, conditions and regulations as may be provided and enacted by any general or special Act or Acts which may at the time such agreement is entered into be in force and to such terms, conditions and regulations general or special as the Lieutenant-Governor in Council or any Special Committee of the Executive Council of Ontario appointed for that purpose may from time to time order.

Power as to agreements with other companies to be subject to regulations.

**17.** The several clauses of *The Electric Railway Act* and of every Act in amendment thereof, shall be incorporated with and shall be deemed to be part of this Act, and shall apply to the company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act" when used herein, shall be understood to include the clauses of the said *Electric Railway Act*, and of every Act in amendment thereof so incorporated with this Act.

Application of Rev. Stat., c. 209.

**18.** The company is hereby authorized and empowered to take and make surveys and levels of the lands through which the said railways are to pass, together with the map or plan thereof, and of their course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also a statement in accordance with the provisions of section 27 of *The Electric Railway Act*, and to deposit

Construction of line by sections.

Rev. Stat.  
c. 209, s. 27.

deposit the same as required by the clauses of the said *Electric Railway Act*, and amendments thereto, with respect to plans and surveys by sections or portions less than the length of the whole railways authorized, of such length as the company may from time to time see fit, so that no one of such sections or portions shall be less than four miles in length; and upon such deposit as aforesaid of the map or plan and statement of any and each of such sections or portions of the said railways all and every of the clauses of the said *Electric Railway Act*, and the amendments thereof, applied to, included in or incorporated with this Act shall apply and extend to any and each of such sections or portions of the said railways as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railways are to pass, together with the map or plan of the whole thereof, and of their whole course and direction and of the lands intended to be passed over and taken, and the statement of the whole of the said railways had been taken, made, examined, certified and deposited according to the said clauses of the said *Electric Railway Act*, and the amendments thereof with respect to "plans and surveys." The construction of the railway in sections may be commenced at such point on the line of railway as the directors may determine, but the said work of construction shall be carried on from such point by sections, continuing therefrom so as to form at all times one continuous line of railway; provided, however, that the Lieutenant-Governor in Council may sanction and approve of the construction by sections at different points, and not continuously, along the said line of railway.

Crossing other  
railways.

**19.** Notwithstanding any provisions to the contrary in any other Act, the said company's railway may cross the railway of any other company upon a level therewith with the consent of such other company or with the authority of the Railway Committee of the Privy Council of Canada.

Exclusive  
electrical fran-  
chise not to  
be granted.

**20.** Notwithstanding anything contained in this Act or in any Statute of the Province, no municipality shall have the power to grant to said railway any exclusive rights, privileges or franchises as to the transmission of electrical energy for power, light and heat over or across any public highway or street in said municipality.

Operating  
in cities.

**21.** Notwithstanding anything in this Act contained, the railway shall not be constructed within the limits of any city except upon and subject to such terms and conditions as may mutually be agreed upon between the company and any street railway or electric railway already operating in such city, provided always that if the council of such city shall by by-law or resolution request the street railway company or electric railway companies to allow its tracks or any of the the city streets to be used for the entrance of the railway to  
be

be constructed under this Act into such city, the company shall permit its tracks or any city streets to be so used to some central point in the said city to be named by the city council upon such terms and conditions as to compensation and otherwise as may be mutually agreed upon between the company authorized by this Act to construct a railway, the city corporation and such street railway or electric railway company, or as shall be settled and determined by the Lieutenant-Governor in Council in case the city corporation and the said two companies are unable to agree upon the same.

**22.** The railway shall be commenced within two years and completed within five years after the passing of this Act.

Time for commencement and completion.



## CHAPTER 94.

## An Act to incorporate The Fort Frances, Manitou and Northern Railway Company.

*Assented to 22nd May, 1903.*

## Preamble.

WHEREAS Anthony Blum, of the City of Boston, in the State of Massachusetts, miner, Lantie Vincent Blum, of the City of Boston, State of Massachusetts, mine-owner, Edward Weir Smith, of the City of Meriden, State of Connecticut, physician and director Trust Company, John G. Mollath, 220 Broadway, New York City, Vice-President of The National Trust Company of America, Harry Howard Newcomb, President Massachusetts Loan Association, 35 Court St., Boston, Massachusetts, have by their petition prayed for an Act of incorporation under the name of The Fort Frances, Manitou and Northern Railway Company, for the purpose of constructing, maintaining and operating a railway from a point at or near Fort Frances, thence past the Lower and Upper Manitou Lakes, Summit Lake, Peake Lake, and Rock Island Lake to a point at or near Dinorwic Station on the line of The Canadian Pacific Railway also a branch line beginning on the main line herein described at or near Manitou Lake, by the most feasible route in an easterly direction to a point at or near the Sakoose mine, thence to a point at or near the railway line running to Dymont Station on the line of the Canadian Pacific Railway; also a branch line beginning on the main line of the railway described herein at a point at or near Upper Manitou Lake, by the most feasible route to a point at or near the line of The Canadian Pacific Railway at or near Dryden, and to construct other branch lines none of which are to exceed twelve miles in length; and it has been represented that the line of railway of the company so to be incorporated will for the most part be constructed in the unorganized part of the Province of Ontario, and it is proposed to operate the same by steam, electricity, or other motive power; and whereas owing to the location of the line of the said railway the provisions of *The Electric Railway Act* are not applicable to the company so to be incorporated, and the said petitioners have prayed that there may be conferred upon them the powers ordinarily given upon the incorporation of a railway to be operated by steam; and whereas for the reasons aforesaid the circumstances of the said proposed line of railway are exceptional; and whereas it is expedient to grant the prayer of the said petition;

Therefore

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The said Anthony Blum, Lantie Vincent Blum, Edward Weir Smith, John G. Mollath, and Harry Howard Newcomb, and such other persons and corporations as shall hereafter become shareholders in the said company are hereby constituted a body corporate and politic under the name of "The Fort Frances, Manitou and Northern Railway Company," hereinafter called "the company." Incorporation

2. The company is hereby authorized and empowered to survey, lay out, construct, build, equip and maintain a railway to be operated by steam or electricity, or other motive power with double or single iron or steel tracks, from a point at or near the Village of Fort Frances, thence by the most feasible and practical route, past Lower Manitou Lake, along the peninsula between Upper Manitou Lake and Manitou Straits, crossing the rapids or navigable stream between Upper Manitou Lake and Manitou Straits, past Summit Lake Peake Lake and Rock Island Lake, to a point at or near Dinorwic Station on the line of The Canadian Pacific Railway; also a branch line beginning on the main line herein described at or near Manitou Lake, by the most feasible route in an easterly direction to a point at or near the Sakoose mine, thence to a point at or near the railway line running to Dyment Station, on the line of the Canadian Pacific Railway, also a branch line beginning on the main line of the railway described herein at a point at or near Upper Manitou Lake, by the most feasible route to a point at, on or near the line of the Canadian Pacific Railway at or near Dryden; and to construct other branch lines none of which are to exceed twelve miles in length, and to exercise all the powers, rights and privileges required therefor in as full and ample a manner as for the main line of the said railway. And the said railway, or any part thereof, so far as the same may be operated by electricity, may be carried along and upon such public highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same, and subject to the restrictions and provisions therein and in this Act contained, and under and subject to any agreements between the company and the councils of the said corporations and between the company and the road companies (if any) interested in such highways; and the company may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway, subject to the provisions and conditions contained in this Act, *The Electric Railway Act*, and in *The Municipal Act* and any Act or Acts amending the Location of line.

same;

Rev. Stat.  
c. 209.  
Rev. Stat.  
c. 223.

same; provided that *The Electric Railway Act* shall not apply to the company except in so far as their railway is constructed along or upon a public highway.

Gauge. 3. The gauge of the said railway shall be four feet eight and one-half inches.

Provisional Directors. 4. (1) The said Anthony Blum, Lantie Vincent Blum, Edward Weir Smith, John G. Mollath and Harry Howard Newcomb shall be, and are hereby constituted, a board of provisional directors of the company, of whom a majority shall be a quorum, and shall hold office as such until other directors shall be appointed, under the provisions of this Act, by the shareholders.

Adding to number of. (2) The said provisional directors shall have power to add to their number, or to substitute for any member of the said board of provisional directors (whether named in this Act, or by the said provisional directors) who may desire to resign or withdraw from his position as a provisional director of the company, any other person as a provisional director thereof; and all such persons as shall, from time to time, be provisional directors of the company, pursuant to the provisions of this Act, shall constitute the board of provisional directors thereof.

First meeting of. (3) The first meeting of the board of provisional directors may be called upon notice signed by or on behalf of three provisional directors; such notice to be mailed to the said provisional directors at their respective places of address, as set forth in this Act, and the said board of provisional directors may, from time to time, pass resolutions or by-laws providing for the time, place or manner of calling future meetings of the said board of provisional directors.

Powers of provisional directors. 5. The said board of provisional directors shall have power forthwith to open stock books and procure subscriptions of stock for the undertaking, and to allot the stock, and to receive payments on account of stock subscribed, and to make calls upon subscribers in respect of their stock, and to sue for and recover the same, and to cause plans and surveys to be made, and to receive for the company any grant, loan, bonus or gift made to it, or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, and shall have all such other powers as under *The Railway Act of Ontario* are vested in ordinary directors. The said provisional directors, or a majority of them, or the board of directors to be elected as hereinafter mentioned, may, in their discretion, exclude anyone from subscribing for stock, who, in their judgment, would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions

Rev. Stat. c.  
207.

of



of this Act, and if at any time a portion or more than the whole stock shall have been subscribed, the said provisional directors or board of directors shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking, and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers, if, in their judgment, such exclusion will best secure the building of the said railway; and all meetings of the provisional board of directors shall be held at the City of Toronto, or at such other place as may best suit the interests of the company.

6. The capital stock of the company hereby incorporated shall be \$1,000,000 (with power to increase the same in the manner provided by *The Railway Act of Ontario*), to be divided into 10,000 shares, of one hundred dollars each, and shall be raised by the persons and corporations who may become shareholders in the company, and the money so raised shall be applied in the first place to the payment of all fees, expenses and disbursements of and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with the work hereby authorized; and the remainder of the said money shall be applied to the making, equipping, completing and maintaining of the said railway, and to the other purposes of this Act. Capital stock.  
Rev. Stat. c.  
207.

7. When and so soon as shares to the amount of \$100,000 of the capital stock in the company shall have been subscribed, and ten per centum paid thereon into some chartered bank of the Dominion, having an office in the Province of Ontario, to the credit of the company, (and which shall on no account be withdrawn therefrom unless for the services of the company,) the said provisional directors, or a majority of them shall call a general meeting of the shareholders for the purpose of electing directors of the company, giving at least four week's notice of such meeting by advertisement in *The Ontario Gazette*, and in at least one newspaper published in the district of Rainy River of the time, place and purpose of the said meeting. First general  
meeting.

8. At such general meeting the shareholders present either in person or by proxy, who shall at the opening of such meeting have paid up ten per centum of the stock subscribed by them, shall elect not less than five and not more than twelve persons, to be directors of the company in manner and qualified as hereinafter mentioned, who shall constitute a board of directors, and shall hold office until the next general annual meeting, and a majority of the directors shall form a quorum of the board, and may pass such rules, regulations and by-laws as may be deemed expedient, and are not inconsistent with this Act and *The Railway Act of Ontario*, and the said Board may Election of  
directors.  
Rev. Stat. c.  
207.



may employ and pay one of their number as managing director.

Qualification  
of directors.

9. No person shall be qualified to be elected as such director by the shareholders unless he is a shareholder holding at least ten shares of stock in the company, and unless he has paid up all calls thereon.

Rights of  
aliens.

10. Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the Company, and all such shareholders, whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible for office as directors of the company.

Calls.

11. The directors may from time to time, make calls on the subscribed stock of the company, as they shall think fit, provided that no call shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days notice shall be given of such call, as hereinafter provided in section 13 of this Act.

Head office.

12. The head office of the company shall be in the City of Toronto in the Province of Ontario.

General  
Annual Meeting,  
where  
held.

13. The general annual meeting of the shareholders of the company shall be held at the City of Toronto, or at such other place in the Province of Ontario on such days and at such hours as may be directed by the by-laws of the company; and public notice thereof shall be given at least four weeks previously, by publishing the same in the *Ontario Gazette* and once a week in one newspaper published in the District of Rainy River during the four weeks immediately preceding the week in which such meeting is to take place.

Special General Meeting.

14. Special general meetings of the shareholders of the company may be held at such places, at such times, in such manner and for such purposes as may be provided by the by-laws of the company, upon such notice as is provided in the last preceding section.

Voting at  
meetings.

15. At all meetings of the company the shareholders thereof may vote by proxy, and the proxy may be appointed in such manner and by such means as the by-laws of the company may provide, but no person shall be qualified to be so appointed who is not himself a shareholder in the company.

Subscriptions  
for stock,  
when binding.

16. No subscription for stock in the capital of the company shall be binding on the company unless it shall be approved by resolution of the directors, nor unless ten per centum of the amount subscribed shall be actually paid thereon within one month after subscription.

17. Shares in the capital stock of the company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company.

Transfer of  
shares.

18. The directors of the company shall have power to issue bonds of the company for the purpose of raising money for prosecuting the said undertaking, but the whole amount of the issue of such bonds shall not exceed in all the sum of \$20,000 for each mile of the said railway and branches, and the provisions of subsections 19, 20, 21, 22 and 23 of section 9 of *The Railway Act of Ontario* shall apply to all such bonds, and the issue thereof, and such bonds shall be issued subject and according to, and in conformity with the provisions of the said subsections.

Bonds.

Rev. Stat.  
c. 207

19. All such bonds, debentures and other securities and coupons, and interest warrants thereon, respectively, may be made payable to bearer and transferable by delivery, and any holder of any such securities so made payable to bearer, may sue at law thereon in his own name.

Bonds, etc.,  
how payable

20. The company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than \$100, and any such promissory note or bill of exchange made, accepted, or endorsed by the president or vice-president of the company, and countersigned by the secretary or treasurer, as may be provided by the by-laws of the company, which by-laws shall be submitted for approval by the Lieutenant-Governor in Council shall be binding on the company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown, and in no case shall it be necessary to have the seal of the company affixed to said promissory note or bill of exchange, nor shall the president, vice-president, or the secretary or treasurer be individually responsible for the same unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted; provided, however, that nothing in this section shall be construed to authorize the said company to issue any promissory note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

Negotiable  
instruments.

21. The company may from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they may be enabled, under the powers of this Act, to issue for the construction of the said railway.

Mortgaging or  
pledging  
bonds.

Contracts  
with other  
corporations,  
etc.

**22.** The directors may enter into a contract or contracts with any individual, corporation or association of individuals for the construction or equipment of the railway, or any part thereof, including or excluding the purchase of right of way, and may pay therefor, either in whole or in part, either in cash or bonds, or in paid-up stock, and may pay, or agree to pay, in paid-up stock or in bonds of the company, such sums as they may deem expedient to engineers, or for the right of way, or material, plant or rolling stock, and also for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors and furthering the undertaking, or for the purchase of right of way, material plant, or rolling stock, whether such promoters or other persons be provisional or elected directors or not, provided that no such contract shall be of any force or validity unless first authorized by resolution passed by the votes of the shareholders in person or by proxy, representing two-thirds in value of the subscribed capital stock, and on which no call is in default and unpaid, at a general meeting specially called for that purpose.

Plans and  
surveys.

Rev. Stat.  
c. 207.

**23.** The company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the said railway is to pass, together with the map or plan thereof, and of their course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also the book of reference for the railway, and to deposit the same as required by the clauses of *The Railway Act of Ontario*, and the amendments thereto, with respect to plans and surveys by sections, or portions less than the length of the whole railway authorized, of such length as the company may from time to time see fit, so that no one of such sections or portions shall be less than ten miles in length; and upon such deposit as aforesaid of the map or plan and book of reference of any and each of the said sections of said railway, or portions of said railway, all and every of the clauses of the said railway Act and the amendments thereof applied to, included in or incorporated with this Act, shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof, and of their whole course and direction, and of the lands intended to be passed over and taken, and the book of reference of the whole of the said railway had been taken, made, examined, certified and deposited according to the said clauses of the said Railway Act and the amendments thereof, with respect to plans and surveys.

Acquiring  
land for  
stations,

**24.** Whenever it shall be necessary for the purpose of procuring sufficient land for stations or gravel pits or for constructing



structing, maintaining and using the said railway, and in case, gravel pits, etc.  
 by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price or at a greater advantage than by purchasing sufficient land for the railway line only, the company may purchase, hold, use and enjoy such lands and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same, or any part thereof, from time to time, as they may deem expedient; but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

**25.** When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway, or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause an Ontario land surveyor to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration, as in the case of acquiring the roadway, and the notice of arbitration, the tender of compensation and the award shall have the same effect as in case of arbitration for the roadway; and all the provisions of *The Railway Act of Ontario*, and of this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom the land may be taken, or who may sell, shall apply to the subject matter of this section, as to the obtaining materials as aforesaid; and such proceedings may be had by the company either for the right to the fee simple in the land from which said materials shall be taken, or for the right to take materials for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Acquiring  
land for  
stone,  
gravel, etc.

Rev. Stat.  
c. 207.

**26.** (1) When said gravel, stone, earth or sand shall be taken under the preceding section of this Act, at a distance from the line of railway, the company may lay down the necessary sidings and tracks over any land which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions of *The Railway Act of Ontario*, and of this Act, except such as relate to filing plans and publications of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the lands on which such materials are situated; and such right of way may be so acquired for a term of years or permanently, as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway.

Sidings to  
gravel pits.

Rev. Stat.  
c. 207.



Damages.  
Rev. Stat.  
c. 207.

(2) When estimating the damages for the taking of gravel, stone, earth or sand, subsection 9 of section 20 of *The Railway Act of Ontario* shall not apply.

Electric,  
telegraph,  
and telephone  
lines.

27. The company may also construct an electric telegraph line and a telephone line throughout and along the whole line of their railway and branches thereof, or any part of said railway or branches, and for the purpose of constructing, working and protecting the said telegraph and telephone lines, the powers conferred upon telegraph companies by *The Act Respecting Telegraph Companies*, being Chapter 192 of the Revised Statutes of Ontario, 1897, are hereby conferred upon the company; provided that no poles shall be erected in the construction of either of the said lines in or through any city, town or incorporated village, without the consent of the council of such city, town or village being first obtained by the company; and the company may undertake the transmission of messages for the public by such line or lines of telegraph or telephone and collect tolls for so doing. And, with the consent of the Lieutenant-Governor in Council may enter upon, use, occupy and enjoy any unoccupied lands of the Crown for any or all the purposes aforesaid.

28. The company shall have power and authority:—

General  
powers.  
Acquiring  
lands for  
power-houses,  
elevators,  
offices, etc.

(1) To purchase land for, and erect power houses, warehouses, elevators, docks, stations, workshops, machine shops, foundries and offices, and to sell and convey such land as may be found unnecessary for any such purpose; and the company shall have power to build, own, operate and hold as part of the property of the company, as many steam or other vessels as the directors of the company may deem requisite, from time to time to facilitate the carriage of passengers, freight and other traffic in connection with the railway.

Erect  
necessary  
buildings.

(2) To erect and maintain all necessary and convenient buildings, stations, depots, wharves and fixtures, and from time to time to alter, repair or enlarge the same, and to build, purchase and acquire motors, engines, carriages, wagons and other machinery and contrivances necessary or convenient for the working of the railway and the accommodation and use of the passengers, freight and business of the railway.

Powers as to  
production  
and use of  
electricity.

(3) To lease or purchase and acquire water powers within twenty miles of the railway and branches thereof herein authorized, and to construct, maintain and operate works for the production of electricity for the motive power of the said railway, and for the lighting and heating the rolling stock and other property of the company.

Lease or sell  
electricity  
not required  
for railway.

(4) To sell or lease in the unorganized territory, and in any municipality where such sale or lease is authorized by by-law of

the

the council of the municipality, and subject to the terms and conditions of such by-law, any such electricity not required for the purposes aforesaid, to any person or corporation; and the company in that behalf shall, subject to the provisions and restrictions of this Act, possess the powers, rights and privileges and be subject to all the obligations and restrictions of joint stock companies incorporated under *The Act Respecting Companies for Supplying Steam Heat, Electricity or Natural Gas for Heat, Light or Power*; and to acquire and hold any property necessary for the purposes mentioned in this sub-section.

Rev. Stat.  
c. 200.

(5) To acquire by purchase or lease the right to convey electricity required for the working of the railway and lighting or heating the same, over, through or under lands other than the lands of the said railway, and with the consent of the councils of the municipalities affected, to purchase the right to lay conduits under, or erect poles and wires on or over such lands as may be determined by the company, and along and upon any of the public highways, or across any of the waters in this province, by the erection of the necessary fixtures, including posts, piers or abutments for sustaining the cords or wires of such lines, or the conduits for such electricity, upon and subject to such agreement in respect thereof as shall first be made between the company and any private owners of the land affected, and between the company and any municipality in which said works, or any part thereof, or of the railway may be situate, and under and subject to any by-law or by-laws of the council of such municipality passed in pursuance thereof; and, with the consent of the Lieutenant-Governor in Council to enter upon, use, occupy and enjoy any unoccupied lands of the Crown for any or all the purposes aforesaid.

Acquiring  
rights for  
conveying  
electricity.

29. Conveyances of lands to the company for the purposes of and powers given by this Act, made in the form set forth in Schedule A hereunder written, or to the like effect, shall be sufficient conveyance to the company, their successors and assigns, of the estate or interest therein mentioned, and sufficient bar of dower respectively, of all persons executing the same; and such conveyances shall be registered in the same manner, and upon such proof of execution as is required under the registry laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicate thereof.

Conveyance  
of land to  
company.

30. (1) The railway of the company shall not be constructed or operated on, upon or along any street, highway or public place of any municipality until first authorized by an agreement in respect thereof made between the company and such municipality, and under and subject to the terms of

Construction  
of railway  
on streets.

such agreement and of section 2 of this Act, and of any by-law or by-laws of the council of said municipality to be passed in pursuance thereof; and in all such cases any and every work, matter or thing in connection with electricity or other motor power, and the application and using thereof in so constructing, operating and working such railway, or the cars, carriages, engines, motors or machines aforesaid shall be so constructed, erected, laid down and arranged as to impede or incommode the public use of such street, highway or public place as little as possible, and so as not to be a nuisance thereto, nor to interfere with the free access to any house or other building erected in the vicinity of the same; and the electric and other appliances shall be of such an improved manufacture, and so placed as to avoid, so far as possible, any danger to buildings or other property. Provided that none of the works or property of the company shall be so constructed or placed as to injuriously interrupt navigation in any navigable river or water.

Rev. stat.  
c. 223.

(2) The by-laws mentioned in section 2, and in sub-section 5 of section 28, and in this section shall be subject to the conditions and provisions of section 632 of *The Municipal Act*.

Power to erect  
snow fences.

**31.** The company shall have the right on and after the first day of November in each year to enter into and upon any lands of His Majesty, or into and upon any lands of any corporation or persons whatsoever lying along the route or line of said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be hereafter established in the manner provided by law in respect of such railway to have been actually suffered; provided always that any such snow fences so erected shall be removed on or before the first day of April next following.

Agreements  
with other  
companies for  
leasing or  
hiring rolling  
stock.

**32.** It shall be lawful for the directors of the company to enter into any agreement or agreements with any other company or companies if lawfully authorized to enter into such agreements, or with any person or persons, for leasing, hiring or use of any locomotives, carriages, rolling stock and other moveable property from such companies or persons for such time or times, and on such terms as may be agreed on, and also to enter into agreements with any railway company or companies, if so lawfully authorized, for the use by one or more of such contracting companies of the locomotives, carriages, rolling stock and other moveable property of the other or others of them, on such terms as to compensation or otherwise, as may be agreed on.

Agreements  
for amalgama-  
tion with other  
railways, etc.

**33.** The company is authorized to contract and agree with The Canadian Pacific Railway Company, The Grand Trunk Railway Company of Canada, The Ontario Hudson's Bay and Western Railways Company, The Algoma Central Railway Company,



Company, The Canada Northern Railway Company, The Canada Western Railway Company, and any other railway company the lines of which are approached or crossed by the line or lines of the company, if lawfully authorized to enter into such arrangements, for an amalgamation with any or either of them, provided that no such contract shall be of any force or validity unless first authorized by resolution passed by the votes of the shareholders in person or by proxy, representing two-thirds in value of the subscribed capital stock and on which no call is in default and unpaid at a general meeting especially called for that purpose.

**34.** The company shall have power to agree for connections and making running arrangements with the Canadian Pacific Railway Company, The Grand Trunk Railway Company of Canada, The Ontario Hudson's Bay and Western Railways Company, The Algoma Central Railway Company, The Canada Northern Railway Company, The Canada Western Railway Company, and any other railway company, the lines of which are approached or crossed by the line or lines of the company, if lawfully empowered to enter into such agreements, upon terms to be first authorized by two-thirds in value of the shareholders at a special general meeting to be held for that purpose, and it shall also be lawful for the company to enter into any agreement with any or either of the said railway companies, if lawfully authorized to enter into such an agreement, for the sale or leasing or hiring of the whole or any portion of the railway herein authorized, or the use thereof, or for the sale or lease or hiring any locomotives, tenders, plant or rolling stock, or other property, or of any part thereof, or touching any service to be rendered by one company to the other, and the compensation therefor, if the arrangements and agreements shall be so authorized by two-thirds in value of the shareholders voting in person or by proxy at a special general meeting called for that purpose; and such agreement shall be valid and binding, according to the terms and tenor thereof; and the company purchasing, leasing or entering into such an agreement for using the said railway, may and are hereby authorized to work the said railway, and in the same manner as if incorporated with their own line; but nothing in this or in the preceding section shall be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

Agreements for connection with other railways and lease of railways, etc.

**35.** The authority and power conferred on the company by this Act to enter into agreements with any other railway company for connections, running arrangements, sale, lease, amalgamation, or hiring of the said railway, or to sell, or lease, or transmit electrical power, shall be subject to such terms, conditions and regulations, as may be provided and enacted by any general or special Act or Acts which may at the

Agreements to sell, lease, etc., to be subject to terms of special Acts and regulations of Lieut.-Governor in Council.



the time such agreement is entered into be in force, and to such terms, conditions and regulations, general or special, as the Lieutenant-Governor in Council, or any Special Committee of the Executive Council of Ontario, appointed for that purpose, may from time to time order.

Aid from  
government  
or municipi-  
pality, etc.

**36.** The company may receive from any government, or from any persons or bodies corporate, municipal or politic, who have power to make, or grant the same, aid towards the construction, equipment or maintenance of the said railway, by way of gift, bonus, or loan of money, or debentures, or other securities for money, or by way of guarantee, upon such terms and conditions as may be agreed upon.

Aid from  
municipalities

**37.** Any municipality, or any portion of a township municipality which may be interested in securing the construction of the said railway, or through any part of which, or near which the railway or works of the company shall pass, or be situate, may aid the company by giving money or debentures by way of bonus, gift or loan, or by the guarantee of the municipal corporation under and subject to the provisions hereinafter contained; provided always that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality, or portion of the municipality, as the case may be, in accordance with and as provided by law in respect to granting aid by way of bonuses to railways.

Submitting  
bonus by-law  
to ratepayers.

**38.** Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely:

(1) The proper petition shall first be presented to the council, expressing the desire to aid the railway, and stating in what way and for what amount; and the council shall within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for and submit the same to the approval of the qualified voters.

(2) In the case of a county municipality, the petition shall be that of a majority of the members of the county council or of fifty resident freeholders, in each of the minor municipalities of the county, who are qualified voters under *The Municipal Act* and the amendments thereto.

(3) In the case of other municipalities, the petition shall be that of a majority of the council thereof, or of fifty resident freeholders, being duly qualified voters under *The Municipal Act* and the amendments thereto as aforesaid.

(4) In the case of a section of a township municipality the petition is to be presented to the council, defining the section by metes and bounds, or lots and concessions, and shall be that of a majority of the council of such township municipality or of fifty resident freeholders in such section of the municipality being duly qualified voters as aforesaid.

Rev. Stat.  
c. 223.

Rev. Stat.  
c. 223

**39.** In case of aid from a county municipality fifty resident freeholders of the county may petition the county council against submitting the said by-law, upon the ground that certain minor municipalities or portions thereof comprised in the said by-law would be injuriously affected thereby, or upon any other ground, ought not to be included therein, and upon deposit by the petitioners with the treasurer of the county of a sum sufficient to defray the expenses of such reference the said council shall forthwith refer the said petition to three arbitrators, one being the judge of the county court or district objecting, one being the registrar of the county or of the riding in which the county town is situated, and one being an engineer appointed by the Commissioner of Public Works for Ontario, who shall have power to confirm or amend the said by-law by excluding any minor municipality or any section thereof therefrom; and the decision of any two of them shall be final, and the by-law so confirmed or amended shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters, and in case the by-law is confirmed by the arbitrators, the expense of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company or the county, as the arbitrators may order.

Petition  
against aid  
from county.

**40.** The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township or incorporated village, situate in the county or district municipality.

Minor  
municipality,  
meaning of.

**41.** Such by-law shall in each instance provide:

(1) For raising the amount petitioned for in the municipality or portion of the township municipality (as the case may be) mentioned in the petition by the issue of debentures of the county or minor municipality respectively, and shall also provide for the delivery of the said debentures, or the application of the amount to be raised thereby, as may be expressed in the said by-law.

Bonus by-law  
what to con-  
tain.

(2) For assessing and levying upon all rateable property lying within the municipality, or portion of the township municipality defined in such by-law (as the case may be) an annual special rate sufficient to include a sinking fund for the repayment of the said debentures within twenty years with interest thereon payable yearly or half-yearly, which debentures the respective municipal councils, wardens, mayors, reeves and other officers thereof are hereby authorized to execute and issue in such cases respectively.

**42.** Before any such by-law is submitted the railway company shall, if required, deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said by-law.

Deposit to be  
made before  
by-law sub-  
mitted if re-  
quired

Council to  
pass by-law if  
asserted to by  
ratepayers.

**43.** In case the by-law submitted be approved of and carried in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting the municipal council which submitted the same shall read the said by-law a third time and pass the same.

Issue of  
debentures.

**44.** Within one month after the passing of such by-law the said council, mayor, warden, reeve or other officer thereof, shall issue or dispose of the debentures provided for by the by-law, and deliver the same duly executed, to the trustees appointed, or to be appointed under this act.

Levying rate  
on portion of  
municipality.

**45.** In case any such loan, guarantee, or bonus be so granted by a portion of a township municipality, the rate to be levied for payment of the debentures issued therefor, and the interest thereon, shall be assessed and levied upon such portion only of said municipality.

Application of  
Provisions of  
Rev. Stat. c.  
223.

**46.** The provisions of the Municipal Act and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality to the same extent as if the same had been passed by or for the whole municipality.

Councils may  
extend time  
for commence-  
ment.

**47.** The councils for all corporations that may grant aid by way of bonus to the company may, by resolution or by-law, extend the time for the commencement of the work beyond that stipulated for in the by-law or by laws granting such aid from time to time; provided that no such extension shall be for a longer period than one year.

Councils may  
extend time  
for comple-  
tion.

**48.** It shall and may be lawful for the council of any municipality that may grant aid by way of bonus to the company, by resolution or by-law, to extend the time for the completion of the works (on the completion of which the company would be entitled to said bonus), from time to time, provided that no such extension shall be for a longer period than one year at a time.

Extent of aid  
from muni-  
cipalities.

**49.** Any municipality or portion of a township municipality interested in the construction of the railway of the company, may grant aid by way of bonus to the company towards the construction of such railway, notwithstanding that such aid may increase the municipal taxation of such municipality, or portion thereof, beyond what is allowed by law; provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes exclusive of school rates than three cents in the dollar upon the value of the rateable property therein.

Proviso.

Municipality  
may exempt

**50.** It shall be lawful for the corporation of any municipality through any part of which the railway of the company



pany passes, or in which it is situate, by by-law, especially passed for that purpose, to exempt the railway and its property within such municipality, either in whole or in part from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise in gross, by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein.

**51.** Any municipality through which the said railway may pass or is situate is empowered to grant, by way of gift to the company, any lands belonging to such municipality, or over which it may have control, which may be required for right of way, station grounds or other purposes connected with the running or traffic of said railway; and the said company shall have power to accept gifts of land from any government or any person or body corporate or politic and shall have power to sell or otherwise dispose of the same for the benefit of the company. railway from taxes, etc.  
Gift of lands.

**52.** Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the company, the debentures therefor shall within six months after the passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario; provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council, and in case any trustee dies or resigns his trust, or goes to live out of the Province of Ontario, or otherwise becomes incapable of acting, his trusteeship shall become vacant and a new trustee may be appointed by the Lieutenant-Governor in Council. Issue of debentures.

**53.** The said trustees shall receive the said debentures or bonds in trust, firstly under the direction of the company, but subject to the conditions of the by-laws in relation thereto as to time or manner, to convert the same into money or otherwise dispose of them; secondly to deposit the debentures or Trusts of proceeds of debentures.  
amount



amount realized from the sale in some chartered bank having an office in the Province of Ontario in the name of The Fort Frances, Manitou and Northern Railway Municipal Trust Account, and to pay the same out to the company from time to time as the company becomes entitled thereto, under the conditions of the by-law granting the said bonus, and on the certificate of the chief engineer of the said railway for the time being, in the form set out in schedule "B." hereto, or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payment or delivery of debentures, and such engineer shall not wrongfully grant any such certificate under a penalty of \$500, recoverable in any court of competent jurisdiction by any person who may sue therefor.

Fees of  
Trustees.

54. The trustees shall be entitled to their reasonable fees and charges from the said trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had agreed.

Receiving  
back charges  
on goods.

55. The company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges, and without any formal transfer, shall have the same lien for the amount thereof upon such goods and commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

Rev. Stat.  
c. 209.

Incorporation  
of provisions  
of Rev. Stat.  
c. 207.

56. Save as expressly provided by this Act the provisions of *The Electric Railway Act* shall not apply to the company hereby incorporated, but the several clauses of *The Railway Act of Ontario*, and of every Act in amendment thereof, shall be incorporated with and be deemed "to be part of this Act, and shall apply to the company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein, shall be understood to include the clauses of the said Railway Act and of every Act in amendment thereof so incorporated with this Act.

Commence-  
ment and  
completion of  
line.

57. The railway hereby authorized shall be commenced within three years and finished and put in operation within seven years after the passing of this Act, and in default thereof the powers hereby conferred shall absolutely cease with respect to so much of the railway as shall then remain incomplete.

Exclusive  
right of trans-  
mission of

58. Notwithstanding anything contained in this Act, or in any Statute of the Province, no municipality shall have the

the power to grant to said railway any exclusive rights <sup>electrical</sup> privileges or franchise as to the transmission of <sup>power across</sup> electrical energy for power, light and heat over or across any public <sup>streets not to</sup> highway or street in said municipality <sup>be granted.</sup>

## SCHEDULE A.

(Section 29.)

Know all men by these presents that I (or we) (*insert the name or names of the vendor or vendors*) in consideration of \_\_\_\_\_ dollars paid to me (or us) by the Fort Frances, Manitou and Northern Railway Company; the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (or we) (*insert the names or names of any other party or parties*) in consideration of \_\_\_\_\_ dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (*or those certain parcels as the case may be*) of land (*describe the land*) the same having been selected and laid out by the said company for the purposes of its railway, to hold with the appurtenances unto the said The Fort Frances, Manitou and Northern Railway Company, their successors and assigns for ever (*here insert any other clauses, covenants and conditions required*) and I (or we the wife (or wives) of the said \_\_\_\_\_ do hereby bar my (or our) dower in the said lands.

As Witness my (or our) hand and seal (or hands and seals) this \_\_\_\_\_ day of \_\_\_\_\_ one thousand nine hundred \_\_\_\_\_.

Signed, sealed and delivered in the presence of \_\_\_\_\_

## SCHEDULE B.

(Section 53.)

### CHIEF ENGINEER'S CERTIFICATE.

The Fort Frances, Manitou and Northern Railway Company's Office.  
No. \_\_\_\_\_ A.D. 19 \_\_\_\_\_

Engineer's Department.

Certificates to be attached to cheques drawn on Fort Frances, Manitou and Northern Railway Company Municipal Trust account given under section 53, chapter 94, of the Acts of the Legislature of Ontario, passed in the third year of His Majesty's reign.

I, \_\_\_\_\_ chief engineer of The Fort Frances, Manitou and Northern Railway Company, do hereby certify, that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law No. \_\_\_\_\_ of the township of \_\_\_\_\_, (or under the agreement dated the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_, between the corporation of \_\_\_\_\_ and the said company) to entitle the said company to receive from the said trust the sum of \_\_\_\_\_ (*here set out the terms and conditions, if any, which have been fulfilled.*)

CHAPTER

## CHAPTER 95.

An Act respecting The Guelph Railway Company, and to change the name of the Company to that of the Guelph Radial Railway Company.

*Assented to 12th June, 1903.*

## Preamble.

WHEREAS The Guelph Railway Company is incorporated under an Act passed in the Fifty-eighth year of the reign of Her late Majesty, Queen Victoria, Chaptered 98, and intituled *An Act to Incorporate The Guelph Railway Company*, and to confirm an agreement between the Corporation of the City of Guelph and George Sleemin, as amended by an Act passed in the first year of His Majesty's reign, Chaptered 79, and intituled *An Act respecting The Guelph Railway Company*, and the said Company has by petition set forth that it has constructed and is now operating certain of the lines of railway authorized by the said Acts, and that it is desirous of extending its said railway from the present terminus thereof on the Elora Road, to, near, or through the Town of Mount Forest, and the Villages of Elora, Fergus and Arthur in the County of Wellington, passing through the Townships of Guelph, Pilkington, Peel, Nichol, West Garafraxa, Arthur and West Luther, in the said County of Wellington, with a branch from a point on the line of railway authorized between Arthur and Mount Forest, to Conn, or to a point in or near West Luther; and also from a point on the Company's Railway in the City of Guelph to the Village of Erin, passing through the said City of Guelph and the Townships of Guelph, Erinosa and Erin; and also to construct extensions from Puslinch Lake to or near Galt, in the County of Waterloo, passing through the Township of Puslinch in the said County of Wellington and the Townships of Waterloo and North Dumfries in the said County of Waterloo; and also from a point on the Company's railway at or near Puslinch Lake, or the Village of Hespeler, to or near the Town of Preston in the County of Waterloo passing through the said Townships of Puslinch and Waterloo; and that the name of the said Company may be changed, and the said Acts otherwise amended and extended; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—



1. The name of the Guelph Railway Company hereinafter called the Company is changed to "The Guelph Radial Railway Company," but such change in name shall not in any way impair, alter or affect the rights or liabilities of the Company, nor in any wise affect any suit or proceeding, now pending, or judgment existing, either by or in favour of, or against the Company, which, notwithstanding such change in the name of the Company, may be prosecuted, continued, completed and enforced as if this Act had not been passed.

Name changed to Guelph Radial Railway Co.

2. The said Company, their servants and agents are hereby authorized and empowered to survey, lay out, construct, equip, maintain and operate by electricity or any other motive power, approved of by the Railway Committee of the Executive Council for Ontario, other than steam, and from time to time to alter, remove and change a double or single track, iron or steel railway, with all necessary side tracks and turn outs for the passage of cars, carriages, and other vehicles adapted to the same, from the present terminus of its railway on the Elora road, to, near, or through the town of Mount Forest and the villages of Elora, Fergus and Arthur in the county of Wellington, passing through the townships of Guelph, Pilkington, Nichol, Peel, West Garafraxa, Arthur, and West Luther in the said county of Wellington, with a branch from a point on the line of railway authorized, between Arthur and Mount Forest, to Conn, or to a point in or near West Luther; and also from a point on the Company's railway in the city of Guelph to the village of Erin, passing through the said City of Guelph and the townships of Guelph, Eramosa and Erin; and also to construct extensions from Puslinch Lake to or near Galt in the county of Waterloo; passing through the township of Puslinch in the said County of Wellington and the Townships of Waterloo and North Dumfries in the said County of Waterloo; and also from a point on the Company's railway authorized as aforesaid at or near Puslinch Lake, or the village of Hespeler, to or near the town of Preston in the county of Waterloo, passing through the said townships of Puslinch and Waterloo; with power to build and operate any part of the said railways in sections as hereinafter set out; the said railway or any part thereof may be carried along, and upon such streets and highways and bridges as may be authorized by by-laws of the respective Corporations owning or having jurisdiction over the same, and subject to the restrictions therein and in this Act contained, and under and subject to any agreements hereafter to be made between the said Company and the Councils of any of the said Municipal Corporations, or any of the said other Corporations respectively, subject to the conditions and restrictions contained in this Act, *The Electric Railway Act*, and in *The Municipal Act*, and any Act or Acts amending the same.

Location of line.

Rev. Stat. c. 209,  
Rev. Stat. c. 223.

3. The said Company is hereby authorized and empowered to make the surveys and to take the levels of the lands through which

Construction of line by sections.



Rev. Stat.  
c. 209.

Rev. Stat.  
c. 209.

Rev. Stat.  
c. 209.

By-laws ex-  
empting from  
municipal  
taxation.

By-law ex-  
tending time  
for commence-  
ment or com-  
pletion.

Bonds and  
Debentures.

which the said railway is to pass, and make the map or plan thereof, and of its course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also a statement in accordance with the provisions of section 27 of *The Electric Railway Act*, and to deposit the same as required by the clauses of *The Electric Railway Act*, and amendments thereto, with respect to "plans and surveys" by sections or portions less than the length of the whole railway authorized, of such length as the Company may from time to time see fit, so that no one of such sections or portions shall be less than five miles in length; and upon such deposit as aforesaid of the map or plan and statement of any and each of such sections or portions of the said railway, all and every of the clauses of *The Electric Railway Act*, and the amendments thereof applied to, included in or incorporated with this Act, shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof, and of its whole course and direction, and of the lands intended to be passed over and taken, and the statement of the whole of the said railway had been taken, made, examined, certified and deposited according to the said clauses of *The Electric Railway Act*, and the amendments thereto with respect to plans and surveys.

4. It shall be lawful for the corporation of any municipality through any part of which the railway of the Company passes, or in which it is situate, by by-law especially passed for that purpose, to exempt the Company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, but not including assessment or taxation for school purposes, or to agree to a certain sum per annum, or otherwise in gross, by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty or e years, and no such by-law shall be repealed unless in conformity with a condition contained therein.

5. The councils for all corporations that may grant aid by way of bonus to the Company, may, by resolution or by-law, extend the time for the commencement or completion of the work beyond that stipulated for in the by-law or by-laws granting such aid, from time to time, provided that no such extension shall be for a longer period than one year.

6. The directors of the Company, under the authority of the shareholders to them given at any special general meeting called for the purpose, at which meeting shareholders representing

senting at least two-thirds in value of the subscribed stock of the Company, and who have paid all calls due thereon are present in person or represented by proxy, may, subject to the provisions in this Act contained, issue bonds, debentures or other securities to the extent of twenty thousand dollars per mile for each and every mile of track of the said railway and extensions and branches; such bonds, debentures or other securities shall be signed by the president or other presiding officer, and countersigned by the secretary, which counter-signature, and the signature of the coupons attached to the same may be engraved, and such bonds, debentures or other securities may be made payable at such times, and in such manner, and at such place or places in Canada or elsewhere, and may bear such rate of interest not exceeding six per cent. per annum as the directors may think proper.

7. (a) The directors shall issue and sell or pledge all or any of the said bonds, debentures or other securities at the best price and upon the best terms and conditions which at the time they may be able to obtain for the purpose of raising money for prosecuting the said undertaking. Sale and pledging of bonds, etc.

(b) No such bonds, debentures or other securities shall be for a less sum than one hundred dollars.

(c) Such bonds shall be from time to time issued only in proportion to the length of railway constructed, or under contract for construction.

8. The Company may secure such bonds, debentures or other securities by a mortgage deed, creating such mortgages, charges and incumbrances upon the whole of such property, assets, rents and revenues of the Company, present or future or both, as are described in the said deed; but such rents and revenues shall be subject in the first instance to the payment of the working expenses of the railway. Security bonds by mortgage.

(a) By the said deed the Company may grant to the holders of such bonds, debentures or other securities, or the trustees named in such deed, all and every the powers, rights and remedies granted by this Act, in respect of the said bonds, debentures or other securities, and all other powers, rights and remedies not inconsistent with this Act; or may restrict the said holders in the exercise of any power, privilege or remedy granted by this Act, as the case may be, and all the rights, powers and remedies so provided for in such mortgage deed shall be valid and binding, and available to the said holders in manner and form as therein provided.

(b) Every such mortgage deed shall be deposited in the office of the Provincial Secretary, of which deposit notice shall be given by the Company in *The Ontario Gazette*.

(c) It shall not be necessary in the exercise of the powers as to mortgaging, and in order to preserve the priority, lien, charge, mortgage or privilege purporting to appertain to or to be

Rev. Stat., c.  
148.

be created by any bond, debenture or other security issued or mortgage deed executed under the authority of this Act, that such bond or deed should be registered in any manner or in any place whatsoever, except at the office of the Provincial Secretary as aforesaid; nor shall it be necessary to comply with the provisions of *The Bills of Sale and Chattel Mortgage Act*, or any Act requiring the registration or renewal of mortgages of chattels, but any mortgage which may be executed by the Company under the powers conferred upon it, shall, upon the same being deposited in the office of the Provincial Secretary, have full force and effect and priority, according to the time of deposit, and shall form a lien and encumbrance upon any personal property or chattels therein embraced, to all intents and purposes, as therein expressed and set forth, as if the provisions of the said *Bills of Sale and Chattel Mortgage Act*, or any Act requiring registration or renewal of mortgages of chattels, had been fully complied with.

Bonds and debentures to be preferential lien upon Company.

9. Until they have been surrendered and lawfully cancelled, the bonds, debentures or other securities hereby authorized to be issued, shall, subject to the rights of the holders of any bonds heretofore issued, be taken and considered to be the first preferential claim and charge upon the Company, and the privileges acquired under this Act, and the franchise, undertaking, tolls and income, rents and revenues, and real and personal property thereof, at any time acquired, save and except as provided for in the next preceding section.

(a) Each holder of the said bonds, debentures or other securities, shall, until they have been surrendered and lawfully cancelled, be deemed to be a mortgagee or incumbrancer upon the said securities, *pro rata* with all the other holders, and no proceedings authorized by law or by this Act shall be taken to enforce payment of the said bonds, debentures or other securities or of the interest thereon, except through the trustee or trustees appointed by or under such mortgage deed.

Rights of bondholders when default made in payment of funds

10. If the Company makes default in paying the principal of or interest on any of the bonds, debentures or other securities hereby authorized, at the time when the same, by the terms of the bond, debenture or other security, becomes due and payable, then at the next annual general meeting of the Company, and at all subsequent meetings, all holders of bonds, debentures or other securities, so being and remaining in default shall, in respect thereof, have and possess the same rights and privileges and qualifications for being elected directors and for voting at general meetings, as would attach to them as shareholders if they held fully paid up shares of the Company to a corresponding amount.

(a) The rights given by this section shall not be exercised by any such holder unless it is so provided by the mortgage deed, nor unless the bond, debenture or other security in respect



spect of which he claims to exercise such rights has been registered in his name, in the same manner as the shares of the Company are registered at least ten days before he attempts to exercise the right of voting thereon; and the Company shall be bound on demand to register such bonds, debentures or other securities, and any transfers thereof thereafter, in the same manner as shares or transfers of shares.

(b) The exercise of the rights given by this section shall not take away, limit or restrain any other of the rights or remedies to which the holders of the said bonds, debentures or other securities are entitled under the provisions of any such mortgage deed.

**11.** All bonds, debentures or other securities hereby authorized may be made payable to bearer, and shall in that case be transferable by delivery, until registration thereof as hereinbefore provided, and while so registered they shall be transferable by written transfers registered in the same manner as in the case of the transfer of shares.

Bonds, how transferable.

**12.** Any lands or chattel property which may have become no longer useful or necessary for the purposes of the Company may be released by the trustees of any mortgage securing the bonds of the Company if a provision for such release is contained in the mortgage, and thereafter such released lands or chattel property shall be held freed and discharged from any lien created by the said mortgage or by any of the Acts relating to the Company in favor of the said bondholders.

Release of lands and chattels from mortgage by trustees.

**13.** Any bonds or securities heretofore issued by the Company shall continue to be charged on the portion of the railway Company's property upon which the same are now charged, and the rights of the holders thereof shall not, without their consent, be affected by any bond issued in pursuance hereof or any mortgage given to secure the same.

Right of holders of bonds heretofore issued.

**14.** The Company may, for the purpose of giving security by way of mortgage and bond or otherwise and in exercise of such borrowing powers, treat each of the extensions of the railway already authorized and hereby authorized, as a separate railway, and such securities may be charged thereupon accordingly.

Extensions may be treated as separate lines.

**15.** The Company may at any point or points where its railway may run along the highway deviate from such highway to a right of way owned by the Company, provided that no obstruction of such highway shall be made by such deviation, but if the rails on such deviation do not rise above or sink below the surface of the road more than one inch they shall not be deemed an obstruction; provided that the right by this section conferred shall not be exercised by the Company without the consent of the Council of the Municipal Corporation having jurisdiction over the highway, or the

Right to deviate from highway.

Proviso.

authority



authority of the Railway Committee of the Executive Council of Ontario, and the said Railway Committee may, on application of the Company, order that the said Company may make such deviation.

Power to connect with and enter into agreements with other companies.

**16.** The Company may at any points on or near to its line of railway connect its tracks with the tracks of any other railway company or companies, the lines of which are approached or crossed by the line or lines of the Company, and it shall be lawful for the Company to enter into any agreement with any or either of such railway companies, if lawfully authorized to enter into such an agreement, to amalgamate with, purchase, lease or otherwise acquire such railways, or any of them, or any part or parts thereof; or to sell and dispose of or lease to any of such companies the whole or any part of its railway, or to make arrangements with such companies, or any of them, for the interchange of passenger or freight traffic, or for the use by either company of the property, buildings, plant, material, rolling stock, machinery, appliances or facilities of the other, or for the supply of motive power, heat or light by either company to the other, or any other joint arrangement respecting the running arrangements of such companies, or any of them, and the conduct of the joint traffic of the companies which may be parties to any such agreement; provided that nothing done under this section shall be valid until the same shall be first authorized by two-thirds in value of the shareholders of the Company, at a special general meeting to be held for that purpose, and until the consent of the Councils of the Corporation of the Municipality or Municipalities affected thereby, including the City of Guelph, or the approval of the Railway Committee of the Executive Council of Ontario has first been obtained, but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

Disposal of surplus electricity.

**17.** The Company shall have power and authority to sell or lease in any municipality where such sale or lease is authorized by by-law of the Council of the municipality and subject to the terms and conditions therein contained any electricity not required for the purposes of the Company to any person or corporation, and the Company in that behalf shall, subject to the provisions and restrictions of this Act, possess the powers, rights and privileges and be subject to all the obligations and restrictions of joint stock companies incorporated under *The Act respecting Companies for supplying Steam, Heat, Electricity or Natural Gas for Heat, Light or Power*, and to acquire and hold any property necessary for the purpose mentioned in this section, provided that this section shall not apply to the City of Guelph and the said Company shall not sell or lease any electricity within the limits of the said City.

Rev. Stat., c. 260.

18. The authority and power conferred on the Company by this Act to enter into agreements with any other railway company for connections, running arrangements, sale, lease, amalgamation or hiring of the said railway, shall be subject to such terms, conditions and regulations as may be provided and enacted by any general or special Act or Acts, which may at the time such agreement is entered into be in force, and to such terms, conditions and regulations, general or special, as the Railway Committee of the Executive Council of Ontario may from time to time order.

Power to make connections to be subject to subsequent legislation.

19. The several sections of *The Electric Railway Act*, except sections 38, 44, 45, 46, 47, 48, 49, 50, 51, 119, and subsections 9, 10, 11 and 12 of section 43, and every Act in amendment thereof shall be incorporated with and be deemed to be part of this Act, and shall apply to the Company in so far as the extensions of the said railway now authorized are concerned, except in so far as they may be inconsistent with the express enactments hereof, and the expression "This Act" when used herein shall be understood to include the sections of the said *Electric Railway Act*, other than the sections hereinbefore excepted, and every Act and amendment thereof so incorporated with this Act.

Application of certain provisions of Rev. Stat., c. 209.

20. Notwithstanding anything contained in *The Electric Railway Act* to the contrary the Company may exercise all powers of expropriation provided by the said Act without the consent of the Council of the Municipality in which the lands sought to be expropriated are situate, and without the certificate of the County Judge, upon obtaining an order from the Railway Committee of the Executive Council of Ontario, and the said Railway Committee may, on the application of the Company, order that the Company shall have such powers of expropriation.

Powers of expropriation.

21. Subsection 6 of section 37 of *The Railway Act of Ontario* shall apply to the said Company, but save as aforesaid the said *Railway Act* shall not apply to the Company, nor nor to the lines of railway to be constructed and operated by it.

Application of Rev. Stat., c. 207, s. 37, subs. 6.

22. The Company may take, transport, carry and convey goods upon its railway, to be constructed under the authority of this Act, but no freight or express cars shall be carried along any public highway over the railway to be constructed as aforesaid unless and until the size and number of cars and motors to be used therewith, and the hours of running the same, have been approved by the Railway Committee of the Executive Council of Ontario.

Carrying freight.

23. The directors may enter into a contract or contracts with any individual, corporation or association of individuals for the construction or equipment of the railway, or any part thereof

Contracts for construction.

thereof, including or excluding the purchase of right of way, and may pay therefor either in whole or in part, either in cash or bonds, or in paid up stock, and may pay or agree to pay in paid up stock or in bonds of the said Company such sums as they may deem expedient to engineers, or for the right of way or material, plant or rolling stock, and also for the services of the promoters and other persons who may be employed by the directors for the purpose of assisting the directors and furthering the undertaking, or for the purchase of right of way, material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not, provided that no such contract shall be of any force or validity unless first authorized by resolution passed by the votes of the shareholders in person, or by proxy representing two-thirds in value of the whole amount paid up of the total capital stock of the Company then issued and outstanding, at a general meeting of the shareholders specially called for that purpose, and the stock so acquired by any person shall for all purposes be deemed to be paid up in cash.

Rates for perishable goods.

**24.** The Company may make uniform special rates for the carriage of fruits, milk, and other perishable freight.

Time for commencement and completion.

**25.** The undertaking authorized by the Act passed in the 1st year of His Majesty's reign and chaptered 79 and by this Act shall be commenced in one year, and put in operation within four years after the passing of this Act, and in default thereof the powers hereby conferred shall absolutely cease with respect to so much of the railway as then remains incomplete.

Exclusive franchise not to be granted.

**26.** Notwithstanding anything contained in this Act or in any Statute of the Province, no municipality shall have power to grant to the said railway any exclusive rights, privileges or franchises as to the transmission of electrical energy for power, light and heat over or across any public highway or street in the said municipality.

Notice of proceedings before Railway Committee.

**27.** No order or direction under this Act shall be made by the Railway Committee of the Executive Council of Ontario except after 10 days' notice in writing to the Clerk of the Municipality or to the Company of the application made to the said Committee.

Preference stock, by-law for issuing.

**28.—(1)** The directors may make a by-law for creating and issuing any part of the capital stock as preference stock, giving the same such preference and priority as respects the principal sum, dividends and otherwise over ordinary stock as may be declared by the by-law.

Special rights of preference shareholders.

**(2)** The by-law may provide that the holders of shares of such preference stock shall have the right to select a certain  
stated



stated proportion of the board of directors, or may give them such other control over the affairs of the Company as may be considered expedient.

(3) No such by-law shall have any force or effect whatever until after it has been unanimously sanctioned by a vote of the shareholders present in person or by proxy at a general meeting of the Company duly called for considering the same or unanimously sanctioned in writing by the shareholders of the Company ; provided, however, that if the by-law be sanctioned by three-fourths in value of the shareholders of the Company, the Company may, through the Provincial Secretary, petition the Lieutenant-Governor in Council for an order approving the said by-law, and the Lieutenant Governor may, if he sees fit, approve thereof, and from the date of such approval the by-law shall be valid and may be acted upon.

Unanimous  
sanction  
required.

Special  
proviso.

(4) Holders of shares of such preference stock shall be shareholders within the meaning of this Act, and shall in all respects possess the rights and be subject to the liabilities of shareholders within the meaning of this Act, provided however that in respect of the principal sum, dividends and otherwise, they shall as against the ordinary shareholders be entitled to the preferences and rights given by such by-law.

Rights and  
liabilities of  
preference  
shareholders.

(5) Nothing in this section contained, or done in pursuance thereof, shall affect or impair the rights of creditors of the Company.

Rights of  
creditors  
preserved.

29. The Directors may from time to time pass by-laws providing for the purchase or acquisition by the Company of such preference stock or parts thereof, and for the cancellation of the stock so purchased or acquired, and for the revocation, *pro rata*, according to the amount of stock so cancelled, and any reserve set apart or required to be set apart in respect of such preference stock, but no such by-law shall be valid or acted upon unless and until the same has been sanctioned by a vote of at least two thirds in value of the shareholders of the Company present in person or represented by proxy at a special general meeting duly called for considering the same, nor until such by-law has been approved by the Lieutenant-Governor in Council.

Redemption  
of preference  
stock.

30. The Company shall have power to collect and receive all charges subject to which goods or commodities may come into its possession, and upon payment of such back charges and without any formal transfer may have the same lien for the amount thereof upon such goods and commodities as the person to whom such charges were originally due, and shall be subrogated by such payment, to all the rights and remedies of such persons for such charges.

Recovering  
back charges  
on goods.



Rights of  
aliens.

**31.** Aliens and companies incorporated abroad, as well as British and Canadian subjects and corporations, whether resident in this Province or elsewhere, may become share holders in the Company, and all such shareholders, whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors of the Company.

Representa-  
tion of cor-  
porations.

**32.** Any corporation which may hold shares in the Com-  
pany may by by-law appoint any person or persons to repre-  
sent such corporation at any meeting of the said Company,  
and every such person shall be eligible for election as a  
director.

Qualification  
of directors.

**33.** No person shall be elected a director unless he, or a  
corporation represented by him, is the holder of ten shares of  
stock in the Company upon which all calls have been paid.

Agreement  
confirmed by  
58 Vict., c. 98,  
not affected.

**34.** Nothing herein shall affect the provisions of the agree-  
ment set forth in Schedule A to the Act of the Legislature of  
Ontario, passed in the fifty-eighth year of the Reign of Her  
late Majesty Queen Victoria (1895), Chapter 98.

Inconsistent  
enactments  
repealed.

**35.** Sections 13 and 15 of the last mentioned Act and sec-  
tion 3 of chapter 79 of the Act passed in the first year of the  
Reign of His Majesty King Edward the VII., are in so far as  
they are inconsistent with the provisions hereof repealed.

Company's  
operations  
within City of  
Guelph to be  
subject to  
regulations of  
City Council.

**36.** Upon the exercise by the Company after the passing  
of this Act of any of the powers of construction outside the  
limits of the City of Guelph authorized by an Act passed in  
the first year of His Majesty's reign and chaptered 79, and by  
this Act, the operations of the Company's railway within the  
limits of the City of Guelph, shall be subject to such regula-  
tions as the council of the corporation of the said city may by  
by-law from time to time enact; provided that no such by-law  
shall be of any force and effect until approved by the Rail-  
way Committee of the Executive Council for Ontario, who are  
hereby authorized and empowered to make any modifications  
of such by-laws as the said Committee may think proper.

Proviso.

Power to City  
Council to  
acquire prop-  
erty, etc., of  
the Company.

**37.** The Council of the Corporation of the City of Guelph  
may within six months after the passing of this Act enter  
into a contract for the acquisition of the assets of the Com-  
pany and its rights and privileges, and property incidental  
thereto, including the property known as the Sleeman Pus-  
linch Lake Property (subject to the debenture debt of the  
said Company) for the price or sum of \$30,000, and the  
Council of the said Corporation is hereby authorized for the  
purpose of such acquisition of the Company's assets and  
its rights and privileges to take and accept transfers to the  
Corporation of the City of Guelph of all the paid up capital  
stock

stock of the Company, and shall also take a conveyance of the said Lake property, and the Council of the Corporation shall in and by the by-law authorizing such acquisition, or by a by-law to be passed contemporaneously therewith, appoint five persons either members of the Council or ratepayers of the City of Guelph qualified for election as aldermen to the City Council, to represent such Corporation, and to be directors of the Company under sections 32 and 33 hereof, until the next annual meeting of the shareholders of the Company, and the Council of the Corporation in each year before the annual meeting of the shareholders of the Company shall pass a by-law appointing five persons either from the members of the Council or qualified ratepayers as aforesaid, to be elected directors of the Company for the ensuing year during the period of the holding of the said shares by the City Corporation. And it is hereby declared that such acquisition of the said paid up stock by the City shall not affect the corporate rights and powers of the Company, and that the corporate status of the Company shall be maintained and the directors to be appointed or elected as aforesaid shall have and exercise all the corporate rights and powers of the Company which appertain to or may be exercised by Directors thereof; and it shall be lawful for the council of the said corporation, notwithstanding any provision of any Act or Acts to the contrary, to pass one or more by-laws to borrow the said sum of \$30,000, and to authorize the issue of debentures of the said corporation therefor in such sums of not less than \$100 Canadian currency or £20 sterling, each as the council of the said corporation may deem expedient, which said debentures shall be made payable not more than thirty years from the day on which they respectively bear date, and may be in the form in Schedule A to this Act set forth, which said debentures shall bear interest at a rate not exceeding four per cent. per annum payable half-yearly, and shall be signed by the Mayor and Treasurer for the City of Guelph for the time being, and may be made payable either in Canadian or sterling currency in Great Britain, in this Province, or elsewhere as to the said council of the said corporation shall seem expedient; and the said debentures may be issued without the said by-law or by-laws being first submitted to a vote of the qualified ratepayers of the said city, and shall be valid and binding against the corporation notwithstanding any provision of any Act or Acts to the contrary; provided always that if the Corporation of the City of Guelph shall acquire the capital stock of the Company, as aforesaid, the Corporation may build and equip the railway to the village of Hespeler and to Puslinch Lake, and may operate the present railway, and the said extension to the village of Hespeler and to Puslinch Lake, but shall not build or operate any other extension without the enactment of a further Act of the Legislature providing for the building and operation thereof.

Status of  
Company  
thereafter.

Power for  
City Council  
to borrow  
\$30,000 on  
debentures.

Power for  
City Council  
to extend  
railway to  
Hespeler  
and Puslinch  
Lake.

Power to City  
Council to sell  
capital stock.

**38.** The Council of the Corporation of the City of Guelph may, in the event of the acquisition of the capital stock as aforesaid, enter into an agreement with any person or persons, or company, for the sale and transfer of the said capital stock, at such price and on such terms as the Council of the said Corporation may by by-law declare, and upon such transfer the Company may build and operate the entire system of railways authorized by this Act, and by former Acts of the Legislature.

Power to City  
Council  
to subscribe  
for Preference  
stock.

**39.** In case the Council of the said Corporation shall not exercise the said power to purchase conferred by the preceding sections hereof, it shall be lawful for the Council of the said Corporation, notwithstanding any provisions of any Act or Acts to the contrary, to pass a by-law to subscribe for shares of Preference Stock in the said Company, to the amount of \$25,000, and may pass one or more by laws to borrow the said sum of \$25,000, and to authorize the issue of debentures of the said Corporation therefor; the said issue of debentures to the said amount of \$25,000, shall be made in the manner, and as provided in the preceding section relating to the issue of debentures to the amount of \$30,000, and such debentures shall be valid and binding on the said Corporation, notwithstanding any provision of any Act or Acts to the contrary.

Form of  
debentures.

**40.** Any debentures issued under the authority of either section 37 or section 39 of this Act may be made payable either upon what is known as the Sinking Fund Plan or the Annual Instalment Plan, as the Council of the Corporation may determine.

City Council  
to repeal cer-  
tain by-laws.

**41.** In the event of the Council of the said Corporation of the City of Guelph passing the By-law mentioned in either of the preceding sections, it shall be lawful for, and it shall be the duty of, the Council of the said Corporation to pass a by-law to repeal By-law No. 459 of the Corporation, entitled, a "By-law to authorize the issue of debentures to the amount of \$25,000, for the purpose of paying for preference stock to be taken by the City of Guelph, in the Guelph Railway Company."

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## SCHEDULE A.

## FORM OF DEBENTURE.

No.            £            sterling,            \$            Province of Ontario,  
                 City of Guelph.

Under and by virtue of the Act passed in the third year of the reign of His Majesty King Edward the Seventh, Chapter 95, and by virtue of By-law No.            of the Corporation of the City of Guelph, passed under the powers contained in the said Act ;

The Corporation of the City of Guelph promises to pay the bearer at  
                 in            the sum of            pounds sterling or  
                 dollars Canadian currency, on the            day of  
                 A.D. 19            , and the half-yearly coupons hereto attached as  
the same shall severally become due.

Mayor.

Treasurer.

## CHAPTER 96.

## An Act respecting The Hamilton and Caledonia Railway Company.

*Assented to 12th June, 1903.*

## Preamble.

WHEREAS The Hamilton and Caledonia Railway Company has by petition prayed that an Act may be passed extending the time for constructing the line of railway of the company and to authorize the company to construct their line of railway through the Town of Dunnville and the Townships of Oneida, Canborough and Moulton in the County of Haldimand; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

62 V. (2), c. 95,  
s. 2, amended. 1. Section 2 of the Act passed at the second session held in the 62nd year of Her late Majesty's reign, chaptered 95, and intituled *An Act to incorporate the Hamilton and Caledonia Railway Company* is amended by inserting the word "Oneida" immediately after the word "Seneca" in the 12th line thereof, and the following words immediately after the word "Selkirk" in the 14th line thereof, "also a line from the railway heretofore authorized in the Town of Cayuga, thence in an easterly direction through the Townships of Canborough and Moulton in the County of Haldimand, and through the Town of Dunnville to a point at or near the easterly limits of the said Town of Dunnville."

62 V. (2), c. 95,  
s. 19, repealed. 2. Section 19 of the said Act is hereby repealed and the following substituted therefor:—

19. The railway shall be commenced within two years and completed to the extent of a through connection with the Village of Caledonia within three years, and completed to the extent of a through connection with the Town of Cayuga within three years, and to the extent of a through connection with the Town of Dunnville within four years, and finally completed within five years after the passing of this Act.

## Name of Company.

3. The name of the said Company is hereby changed and shall hereafter be "The Hamilton, Caledonia and Lake Erie Railway Company."

CHAPTER

## CHAPTER 97.

An Act respecting The Huntsville and Lake of Bays  
Railway Company.*Assented to 22nd May, 1903.*

**W**HEREAS by an Act passed in the 63rd year of Her late Majesty's reign chaptered 113, intituled *An Act to incorporate The Huntsville and Lake of Bays Railway Company* the time for the commencement of the construction of the said railway was fixed at two years from the date of the passing of the said Act, which time has now elapsed; and whereas doubts have arisen as to whether the work done by way of commencing the said railway was work covered by the provisions of the said Act, and the Company are desirous that such doubts should be removed; and whereas the said Company have by their petition prayed that the said Act be revived and the time for the commencement of the railway of the Company be extended for two years and the completion thereof for five years from the passing of this Act, and it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Act passed in the 63rd year of Her late Majesty's reign, chaptered 113 and intituled *An Act to incorporate The Huntsville and Lake of Bays Railway Company* is revived and declared to be in force; and the time limited for commencing the railway, which the said company is by the said Act authorized to construct, is extended for a period of two years from the passing of this Act; and if the construction of the said railway is not then commenced, or if the railway is not finished and put in operation within five years from the passing of this Act, then the powers of construction granted to the said company shall cease and be null and void, as respects so much of the railway as then remains uncompleted.

Act of  
Incorporation  
63 V. c. 113  
revived.

Time for com-  
mencement  
and comple-  
tion.



## CHAPTER 98.

An Act to amend the Act incorporating The Huron,  
Bruce and Grey Electric Railway Company.*Assented to 12th June, 1903.*

## Preamble.

WHEREAS by an Act of the Legislature of Ontario, passed in the second year of His Majesty's reign, chaptered 78, The Huron, Bruce and Grey Electric Railway Company was incorporated; and whereas the said company by its petition has prayed that the charter of the said company given by the said Act be amended by empowering the company to extend its proposed line of railway from the Village of Dungannon in the County of Huron to the Village of Lucknow, in the County of Bruce, and thence through the said County of Bruce to the Town of Walkerton in the said County; also through the Townships of West Wawanosh and East Wawanosh in the County of Huron, or along the northern boundary thereof, to the Town of Wingham in the County of Huron; also from a point on the boundary line between the Counties of Huron and Middlesex, in the Township of Stephen in the County of Huron, thence in a westerly direction through the Townships of McGillivray and West Williams in the County of Middlesex (but in such a manner that the said railway shall not be carried within a distance of two miles from the Village of Park Hill, in the said county), and through the Townships of Bosanquet, Plympton and Sarnia in the County of Lambton to the Town of Sarnia in the said County of Lambton; with power to build a branch line from the Village of Hensall, in the Township of Hay, in the County of Huron, in a westerly direction through the said Township of Hay to St. Joseph in the said Township of Hay; and has further prayed that the name of the company be changed from The Huron, Bruce and Grey Electric Railway Company to The Ontario West Shore Electric Railway Company; and has further prayed for power to pass a by-law creating preference stock; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Location  
of line.

1. Section 2 of the Act passed in the 2nd year of His Majesty's reign, chapter 78, and intituled *An Act to incorporate The Huron, Bruce and Grey Electric Railway Company*

*pany* is amended by inserting immediately after the word "Huron" in the thirty-third line thereof the following words: "and from the said Village of Dungannon to the Village of Lucknow, in the County of Bruce, and thence through the said County of Bruce to the Town of Walkerton in the said County; also through the Townships of West Wawanosh and East Wawanosh in the County of Huron, or along the northern boundary thereof, to the Town of Wingham in the said County of Huron; also a line of railway from the railway heretofore authorized to be constructed at a point on the boundary line between the Counties of Huron and Middlesex in the Township of Stephen in the County of Huron, thence in a westerly direction through the Townships of McGillivray and West Williams in the County of Middlesex (but in such a manner that the said railway shall not be carried within a distance of two miles from the Village of Park Hill, in the said county), and through the Townships of Bosanquet, Plympton and Sarnia in the County of Lambton to the Town of Sarnia in the said County of Lambton"; with power to build a branch line from the Village of Hensall, in the Township of Hay, in the County of Huron, in a westerly direction through the said Township of Hay to St. Joseph in the said Township of Hay.

2. The name of The Huron, Bruce and Grey Electric Railway Company is hereby changed, and the corporate name of the company is hereby declared to be "The Ontario West Shore Electric Railway Company." Change of name.

3. (1) The directors of the said company may make a by-law for creating and issuing any part of the capital stock as preference stock, giving the same such preference and priority as respects dividends and otherwise over ordinary stock as may be declared by the by-law. Preference stock.

(2) The by-law may provide that the holders of shares of such preference stock shall have the right to select a certain stated proportion of the board of directors, or may give them such other control over the affairs of the company as may be considered expedient. Representation of holders of preference stock on board of directors.

(3) No such by-law shall have any force or effect whatever, until after it has been unanimously sanctioned by a vote of the shareholders, present in person or by proxy, at a general meeting of the company, duly called for considering the same; or unanimously sanctioned in writing by the shareholders of the company; provided, however that if the by-law be sanctioned by three-fourths in value of the shareholders of the company, the company may, through the Provincial Secretary, petition the Lieutenant-Governor in Council for an order approving the said by-law, and the Lieutenant-Governor may, if he sees fit, approve thereof, and from the date of such approval the by-law shall be valid and may be acted on. By-law for issuing preference stock.

Rights of pre-  
ference share-  
holders.

Proviso.

Rights of  
creditors  
preserved.

(4) Holders of shares of such preference stock shall be shareholders within the meaning of this Act, and shall in all respects possess the rights, and be subject to the liabilities, of shareholders within the meaning of this Act; provided however, that in respect of dividends and otherwise, they shall as against the ordinary shareholders, be entitled to the preferences and rights given by such by-law.

(5) Nothing in this section contained, or done in pursuance thereof shall affect or impair the rights of creditors of the company.

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## CHAPTER 99.

An Act respecting the International Transit  
Company.*Assented to 12th June, 1903.*

**W**HEREAS The Sault Sainte Marie Electric Light and Transit Company was incorporated by Letters Patent dated 22nd May, 1888, under the provisions of "An Act Respecting Incorporation of Joint Stock Companies by Letters Patent," being Chapter 157 of the Revised Statutes of Ontario 1887, and with the powers contained in and conferred by Chapters 165 and 171 of the said Revised Statutes of Ontario 1887; and whereas by Chapter 71 of the Acts passed in the first year of His Majesty's reign the said Company was continued as a body corporate and politic under the name of The International Transit Company; and whereas the powers of the said Company were extended by Supplementary Letters Patent under the Great Seal bearing date the 12th day of August, 1902; and whereas the said Company desires to have its incorporation by Letters Patent and the powers granted by said Supplementary Letters Patent confirmed and to have its powers increased and added to and has by its petition prayed that an Act may be passed for the purposes aforesaid; and whereas it is expedient to grant the prayer of the said petitioner;

Preamble.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The incorporation of The Sault Sainte Marie Electric Light and Transit Company, now The International Transit Company, on 22nd May, 1888, by Letters Patent set out in Schedule A to this Act, and the powers granted to said Company by Supplementary Letters Patent dated the 12th day of August, 1902, set out in Schedule B to this Act, are confirmed and the said Letters Patent of incorporation and Supplementary Letters Patent are declared to be and have been from the respective dates thereof legal and valid as if the provisions therein contained had been set out in Acts of the Legislature of Ontario and the said Company is declared to be a body corporate and politic duly incorporated under the provisions of Chapters 157, 167 and 171 of the Revised Statutes of Ontario (1887) with the rights, powers and privileges in the said Letters Patent of Incorporation and in the said Supplementary Letters Patent mentioned and set out.

Incorporation and supplementary Letters Patent confirmed.

2.

Company not  
to be a loan  
corporation.

Rev. Stat.,  
c. 205.

2. Nothing in this Act or in the said Letters Patent or Supplementary Letters Patent contained shall authorize the said Company to carry on the general business of a loan corporation within the meaning of the *The Loan Corporations Act* and the said Act shall not apply to the said Company.

## SCHEDULE A.

[L.S.]

A. CAMPBELL,  
Lieutenant-Governor.

### PROVINCE OF ONTARIO.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, QUEEN, Defender of the Faith, &c., &c., &c. To all to whom these Presents shall come,—Greeting :

ARTHUR S. HARDY,  
Attorney-General, pro  
tempore under R.S.O.  
Cap. 13, Sec. 3.

Whereas by the Revised Statute of the Legislature of Our Province of Ontario, entitled "An Act respecting the Incorporation of Joint Stock Companies by Letters Patent," it is provided that the Lieutenant-Governor of Our said Province-in-Council may, by Letters Patent,

under the Great Seal of Our said Province, grant a Charter to any number of persons, not less than five, who shall petition therefor, constituting such persons, and others who may become shareholders in the Company thereby created, a body corporate and politic, for any purposes or objects to which the legislative authority of the said Legislature extends, except the construction and working of Railways, and the business of Insurance other than provided by Section 4 of *The Ontario Insurance Act*, being Chapter 167 of The Revised Statutes of Ontario, 1887.

And whereas by Petition addressed to Our Lieutenant-Governor of Ontario-in-Council Joseph Wilson, Collector of Customs; William Henry Plummer, Merchant; Joseph Cozens, Provincial Land Surveyor; William Brown, Agent, and Henry Coulthard Hamilton, Barrister-at-law, all of the Town of Sault Sainte Marie, in the District of Algoma and Province of Ontario, have prayed that a Charter may be granted to them constituting them and such other persons as are or may become shareholders in the proposed Company, a body corporate and politic for the purposes and objects following, that is to say :—The acquiring by lease, purchase or otherwise, of land, land covered with water, buildings, steam power, water power, motors, engines dynamos, and all necessary plant and material for the construction, maintenance, completion and operation of works for the production, sale and distribution of electricity for purposes of light, heat and power, and for the conduction of the same by any means, through, under and along all the streets, highways and public places in the said Town of Sault Sainte Marie for the purpose of lighting or heating said Town of Sault Sainte Marie, and the houses and buildings therein by means of electricity, and for the purpose of operating a street railway through and over one or more of the streets of the said Town of Sault Sainte Marie by means of electricity, and for the acquiring by lease, purchase or otherwise, and for the manufacture of all necessary plant and material for lighting the said Town of Sault Sainte Marie by means of electricity, and for the acquiring by lease, purchase or otherwise and the manufacture of cars, rails, ties and all necessary plant and material for the maintenance and operation of an Electric Street Railway for the carriage of passengers and freight in the said Town of Sault Sainte Marie, and for the erection of all necessary workshops and buildings for all

all the purposes aforesaid, and for the acquiring the right from the Corporation of the said Town of Sault Sainte Marie to plant posts and to conduct wires and to do all acts and things necessary for the purpose of lighting or heating the said Town or the buildings therein by means of electricity as aforesaid, and for the acquiring the right and the right of way from the Corporation of the said Town of Sault Sainte Marie over and along one or more streets in the said Town, to lay down ties, rails and to do all acts and things necessary for the purpose of constructing, completing and operating the said railway for the carriage of passengers and freight, and for the right to carry passengers and freight over and upon said railway, and for the purpose of exercising any or all the rights, privileges and powers given or conferred by the Acts of the Legislative Assembly of the Province of Ontario hereinafter recited, under the name of "The Sault Sainte Marie Electric Light and Transit Company."

And whereas it is further stated by the said Petition that the amount of the said stock taken by each of the applicants is as follows: By the said Joseph Wilson, William Henry Plummer, Joseph Cozens, William Brown and Henry Coulthard Hamilton, each the sum of five thousand dollars upon which nothing has been paid in.

And whereas it has been proved to the satisfaction of Our Lieutenant-Governor-in-Council that the said applicants have complied with all the requirements of the said Act, as to matters preliminary to the issue of Letters Patent, and that a notice of the said application containing the particulars required by the sixth section of the said Act has been duly given in *The Ontario Gazette*, in accordance with the provisions of the said Act; And whereas by the Revised Statutes of our said Legislature of Ontario intituled "*An Act respecting Companies for supplying Steam and Heating, or for supplying Electricity for Light, Heat or Power*," it is further provided that any five or more persons who desire to form a company for supplying steam, hot air or hot water for power and for heating purposes or for supplying electricity for the purposes of light, heat or power in a city, town, incorporated village, township, or other municipality may become incorporated under the said Act respecting the Incorporation of Joint Stock Companies by Letters Patent and that all the powers and provisions contained in the said Revised Statute respecting Joint Stock Companies shall, so far as applicable and consistent with the provisions and powers contained in the said Revised Statute respecting companies for supplying steam, hot air, or hot water or for supplying electricity for the purposes aforesaid, apply to any such company; And whereas by the Revised Statute of the Legislature of our said Province of Ontario intituled "*An Act to authorize the Construction of Street Railways*," it is further provided that our said Lieutenant-Governor in Council may by Letters Patent under the Great Seal grant a Charter, under *The Ontario Joint Stock Companies Letters Patent Act* aforesaid incorporating a company for the purpose of constructing and working a street railway, or lines of street railway, in any local municipality or in two or more adjoining local municipalities.

Now know ye that by and with the advice of Our Executive Council of Our Province of Ontario and under the authority of the hereinbefore in part recited Statute and of any other power or authority whatsoever in Us vested in this behalf, We do by these Our Letters Patent constitute the said Joseph Wilson, William Henry Plummer, Joseph Cozens, William Brown and Henry Coulthard Hamilton and each and all such other person or persons as now is, or are or shall at any time hereafter become a shareholder or shareholders in the said Company under the provisions of the said Act, a body corporate and politic, with perpetual succession and a Common Seal, by the name of The Sault Sainte Marie Electric Light and Transit Company and capable forthwith of exercising all the functions of an incorporated Company for the purposes and objects aforesaid, as if incorporated by a special Act of the Legislature of Ontario, and, by their corporate name, of suing and being sued, pleading and being impleaded in all Courts, whether of Law or Equity, and with the powers in the said Act more particularly set forth.

And



And We direct that the capital stock of the said Company be One hundred and fifty thousand dollars and be divided into Three thousand shares of Fifty dollars each ; that the operations of the said Company be carried on in the said Town of Sault Sainte Marie and that the chief place of business of the Company be at the said Town of Sault Sainte Marie and that the said Joseph Wilson, William Henry Plummer, Joseph Cozens, William Brown and Henry Coulthard Hamilton be the first directors of the said Company.

And We further direct that no parcel of lands or interest therein at any time acquired by the said Company and not required for its actual use and occupation, or not held by way of security, or not situate within the limits or within one mile of the limits of any city or town in the said Province, shall be held by the said Company or by any trustee on their behalf for a longer period than seven years after the acquisition thereof, but shall be absolutely sold or disposed of, so that the Company shall no longer retain any interest therein unless by way of security.

And We further direct that any such parcel of land or any interest therein, not within the exceptions hereinbefore mentioned which shall be held by the said Company for a longer period than seven years, without being disposed of, shall be forfeited to Us for the use of Our said Province.

And We further direct that no such forfeiture shall take effect or be enforced until the expiration of at least six calendar months after notice in writing to the said Company of the intention of the Government to claim such forfeiture, and it shall be the duty of the Company to give our said Lieutenant-Governor, when required, a full and correct statement of all lands at the date of such statement held by the Company, or in trust for the Company, and subject to this Proviso.

And we further direct that the said Company shall be subject to the provisions of said Act, being chapter 157 of the Revised Statutes of Ontario, 1887, intituled "*An Act respecting the Incorporation of Joint Stock Companies by Letters Patent*," and to such further and other provisions as the Legislature of Ontario may hereafter deem expedient in order to secure the due management of its affairs and the protection of its shareholders and creditors.

And we further direct that the Charter of the said Company shall be forfeited by non-user during three consecutive years at any one time, or if the Company does not go into actual operation within three years after it is granted ; and no declaration of such forfeiture by any Act of the Legislature shall be deemed an infringement of such Charter.

And we further direct that the Charter of the said Company may at any time be declared to be forfeited and may be revoked and made void by Order of Our Executive Council of Our Said Province of Ontario on sufficient cause being shown to Us in that behalf and that such forfeiture, revocation and making void may be upon such conditions and subject to such provisions as to Us may seem proper.

In Testimony whereof we have caused these Our Letters to be made Patent and the Great Seal of Our said Province of Ontario to be hereunto affixed.

Witness : The Honourable Sir Alexander Campbell, Knight Commander of Our Most Distinguished Order of St. Michael and St. George, Member of Our Privy Council for Canada, etc., etc., etc., Lieutenant-Governor of Our said Province of Ontario.

At Our Government House, in Our City of Toronto, in Our said Province, this twenty-second day of May, in the year of Our Lord one thousand eight hundred and eighty-eight and in the fifty first year of Our Reign.

By Command,

ARTHUR S. HARDY,

Secretary.

SCHEDULE.

## SCHEDULE B.

[L.S.]

O. MOWAT.

## CANADA

## PROVINCE OF ONTARIO

EDWARD THE SEVENTH, by the Grace of God of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the seas KING, Defender of the Faith, Emperor of India. To all whom these Presents shall come :—GREETING.

R. HARCOURT,  
Attorney-General pro.  
tempore under R S.O.  
Cap. 14, Sec. 3.

Whereas *The Ontario Companies Act* enacts that the Lieutenant-Governor of Our Province of Ontario-in-Council may from time to time direct the issue of Supplementary Letters Patent to a Company embracing any or all of the matters in the said Act provided and extending the powers of the Company to any object within the scope of the said Act which the Company may desire

And whereas by its petition in that behalf The International Transit Company has prayed Our Lieutenant-Governor in Council to issue Supplementary Letters Patent for the purpose of extending its powers

And whereas it has been made to appear to the satisfaction of Our Lieutenant-Governor in Council that the said Company has complied with the conditions precedent to the grant of the desired Supplementary Letters Patent

Now therefore know ye that by and with the advice of the Executive Council of Our Province of Ontario and under the authority of the hereinbefore in part recited Statute and of any other power or authority whatsoever in Us vested in this behalf We do hereby by these Our Royal Supplementary Letters Patent extend the powers of The International Transit Company so as to enable the Company (a) To acquire, construct, own, maintain, charter and navigate steam and other vessels (b) From time to time to subscribe for, take hold or purchase the shares, stock, bonds and debentures or other securities of any Company having objects wholly or in part similar to those of the said Company or having for its objects or any of its objects the promotion of any of the objects which the said Company is authorized to carry out or any object ancillary thereto or connected therewith and to sell, assign, transfer, hypothecate or otherwise dispose of such shares, stock, bonds, debentures or other securities (c) To aid by guarantee, endorsement, advances or otherwise with or without security, any company having objects wholly or in part similar to those of the said Company or having for its objects or any of its objects the promotion of any of the objects which the said Company is authorized to carry out or any object ancillary thereto or connected therewith and (d) To hold its meetings without the Province of Ontario—

In testimony whereof We have caused these Our Letters to be made Patent and the Great Seal of Our Province of Ontario to be hereunto affixed.

Witness : The Honourable Sir Oliver Mowat, Knight Grand Cross of Our Most Distinguished Order of Saint Michael and Saint George. Member of our Privy Council for Canada and Lieutenant-Governor of Our Province of Ontario.

At Our Government House in Our City of Toronto in Our said Province this twelfth day of August in the year of Our Lord one thousand nine hundred and two and in the Second year of Our Reign.

By Command

J. R. STRATTON,  
*Provincial Secretary.*

## CHAPTER 100.

An Act to incorporate The Kingston and Frontenac  
Railway Company.*Assented to 12th June, 1903.*

## Preamble.

**W**HEREAS James Gillies of the Town of Carleton Place in the County of Lanark, lumberman, John Gillies of the Township of McNab, in the County of Renfrew, manufacturer, John S. Gillies of the said Township of McNab, bookkeeper, and A. E. DeRenzy of the said Township of McNab, bookkeeper, and Allen McLellan of the City of Ottawa in the County of Carleton, expert miner, have by their petition prayed for incorporation under the name of The Kingston and Frontenac Railway Company for the purpose of constructing a line of railway, to be operated by steam, from a point at or near the City of Kingston in the County of Frontenac, thence northerly passing through the Townships of Kingston, Storrington and Loughborough, to the south westerly end of Loughborough Lake, in the said County of Frontenac, thence north easterly along the north westerly shore of Loughborough Lake to a point thereon at or near Loughborough Bridge where said Lake is crossed by the public highway leading from Perth to Kingston; with a branch line from the south westerly end of said lake to a point on the line of the Kingston and Pembroke Railway in the said Township of Kingston; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

## Incorporation.

**1.** The said James Gillies, John Gillies, John S. Gillies, A. E. DeRenzy, and Allen McLellan together with such other persons and corporations as shall hereafter become shareholders in the Company hereby incorporated, are hereby constituted a body corporate and politic under the name of "The Kingston and Frontenac Railway Company" hereinafter called "The Company."

Location  
of Line.

**2.** The Company is hereby authorized and empowered to survey, lay out, construct, complete, equip, maintain and operate a steam railway with double or single iron or steel tracks, from a point at or near the City of Kingston in the County of Frontenac, thence northerly passing through the  
Townships



Townships of Kingston, Storrington and Loughborough to the south westerly end of Loughborough Lake in the said County of Frontenac thence north easterly along the north westerly shore of Loughborough Lake to a point thereon at or near Loughbrough Bridge where said lake is crossed by the public highway leading from Perth to Kingston; with power to build a branch line from the south westerly end of Loughborough Lake to some point at or near the line of the Kingston and Pembroke Railway, in the said Township of Kingston.

3. The gauge of the said railway shall be four feet, eight Gauge.  
and one-half inches.

4. The said James Gillies, John Gillies, John S. Gillies, A. Provisional  
E DeRenzy and Allen McLellan, with power to add to their directors.  
number, shall be and are hereby constituted a board of provisional directors of the Company, of whom a majority shall be a quorum, and shall hold office as such until the first election of directors under this Act.

5. The said board of provisional directors shall have power Powers  
forthwith to open stock-books and procure subscriptions of of provisional  
stock for the undertaking and to allot the stock and to receive payments on account of stock subscribed, and to make calls upon subscribers in respect to their stock, and to sue for and recover the same; and to cause plans and surveys to be made, and to receive for the Company any grant, loan, bonus or gift made to it, or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway; and with all such other powers as under *The Railway Act of Ontario*, are vested in ordinary directors. The said provisional directors, or a majority of them, or the board of directors to be elected as hereinafter mentioned, may in their discretion, exclude anyone from subscribing for stock, who, in their judgment, would hinder, delay or prevent the Company from proceeding with and completing their undertaking under the provisions of this Act; and if at any time a portion or more than the whole stock shall have been subscribed, the said provisional directors, or board of directors shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers, if, in their judgment, such exclusion will best secure the building of the said railway; and all meetings of the provisional board of directors shall be held at the City of Kingston, in the County of Frontenac, or at such other place as may best suit the interests of the Company. Rev. Stat.  
c. 207.

6. Conveyances of land to the Company for the purposes Conveyances  
of and powers given by this Act, made in the form set forth of land,  
in what sufficient.

in Schedule A hereunder written, or to the like effect, shall be sufficient conveyance to the Company, their successors and assigns, of the estate or interest therein mentioned and sufficient bar of dower, respectively, of all persons executing the same; and such conveyances shall be registered in the same manner, and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof and certificates endorsed on the duplicates thereof.

Subscription  
for stock,  
when binding.

7. No subscription for stock in the capital of the Company shall be binding on the Company unless it shall be approved by resolution of the directors, nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription.

Aid to  
Company.

8. The Company may receive from any Government or from any persons or body corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway by way of gift, bonus or loan of money or debentures or other securities for money, or by way of guarantee upon such terms and conditions as may be agreed upon.

Capital stock.

Rev. Stat.  
c. 207.

9. The capital stock of the Company hereby incorporated shall be \$100,000 (with power to increase the same in the manner provided by *The Railway Act of Ontario*), to be divided into 1,000 shares of \$100 each and shall be raised by the persons and corporations who may become shareholders in the Company; and the money so raised shall be applied, in the first place, to the payment of all fees, expenses and disbursements of, and incidental to, the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and the remainder of said money shall be applied to the making, equipping, completing and maintaining of the said railway, and to the other purposes of this Act.

First general  
meeting.

10. When and as soon as shares to the amount of \$10,000 of capital stock in the Company shall have been subscribed and ten per centum paid thereon into some chartered bank of the Dominion, having an office in the Province of Ontario, to the credit of the Company, and which shall on no account be withdrawn therefrom unless for the services of the Company, the said provisional directors, or a majority of them, shall call a general meeting of the shareholders for the purpose of electing directors of the Company, giving at least four weeks' notice of such meeting by advertisement in the *Ontario Gazette* and in at least one newspaper published in the said City of Kingston, of the time, place and purpose of the said meeting.

11. At such general meeting the shareholders present, either in person or by proxy, who shall at the opening of such meeting have paid up ten per centum on the stock subscribed by them, shall choose not less than three nor more than five persons to be directors of the Company in manner and qualified as hereinafter mentioned, who shall constitute a board of directors and shall hold office until the next annual general meeting, and a majority of whom shall form a quorum of the board, and may pass such rules, regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act and *The Railway Act of Ontario*.

Election of directors.

Rev. Stat. c. 207.

12. No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least ten shares of stock in the Company, and unless he has paid up all calls thereon.

Qualification of directors.

13. The Company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the said railway is to pass, together with the map or plan thereof, and of their course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also the book of reference for the railway, and to deposit the same, as required by the clauses of *The Railway Act of Ontario* and the amendments thereto with respect to plans and surveys, by sections or portions less than the length of the whole railway authorized, of such length as the Company may from time to time see fit, so that no one of such sections or portions shall be less than two miles in length; and upon such deposit as aforesaid of the map or plan and book of reference of any and each of such sections or portions of the said railway, all and every of the clauses of the said Railway Act and the amendments thereof applied to, included in or incorporated with this Act shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof, and of their whole course and direction, and of the lands intended to be passed over and taken, and the book of reference of the whole of said railways had been taken, made, examined, certified and deposited according to the said clauses of the said Railway Act and the amendments thereof with respect to "plans and surveys."

Power to construct line in sections.

Rev. Stat. c. 207.

14. Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the Company, and all such shareholders, whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible for office as directors of the Company.

Rights of aliens.



**Calls on stock.** 15. The directors may from time to time make calls as they shall think fit, provided that no call shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days notice shall be given of each call, as hereinafter provided in section 17 of this Act.

**Directors empowered to pay in stock.** 16. The directors may enter into a contract or contracts with any individual, corporation or association of individuals for the construction or equipment of the railway or any part thereof including or excluding the purchase of right of way and may pay therefor either in whole or in part, either in cash or bonds, or in paid up stock, and may pay or agree to pay in paid up stock or in bonds of the Company such sums as they may deem expedient to engineers or for the right of way or material, plant or rolling stock and also for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors and furthering the undertaking or for the purchase of right of way, material, plant or rolling stock whether such promoters or other persons be provisional or elected directors or not, provided that no such contract shall be of any force or validity unless first authorized by resolution passed by the votes of the shareholders in person or by proxy, representing two-thirds in value of the subscribed capital stock and on which no call is in default and unpaid at a general meeting specially called for that purpose.

**Head office; general annual meeting.** 17. The head office of the Company shall be at said City of Kingston, and the general annual meeting of the shareholders of the Company shall be held in such place in the said City of Kingston on such days and at such hours as may be directed by the by-laws of the Company; and public notice thereof shall be given at least four weeks previously in *The Ontario Gazette*, and once a week in one newspaper published in the said City of Kingston during the four weeks immediately preceeding the week in which such meeting is to take place.

**Special general meetings.** 18. Special general meetings of the shareholders of the Company may be held at such places and at such times and in such manner and for such purposes as may be provided by the by-laws of the Company upon such notice as is provided in the last preceding section.

**Votes.** 19. Every holder of one or more shares of the said capital stock shall at any general meeting of the shareholders be entitled to one vote for every share so held, and at all meetings of the Company the shareholders thereof may vote by proxy, and the proxy may be appointed in such manner and by such means as the by-laws of the Company may provide; but no person shall be qualified to be so appointed who is not himself a shareholder of the Company.

**Proxies.**

20. At all meetings of the shareholders of the Company the stock held by such corporations as may be legally entitled to invest in the stock of the Company may be represented by such persons as they shall respectively have appointed in that behalf by resolution under the seal of the corporation, and such persons shall at such meetings be entitled equally with the other shareholders to vote by proxy; and no shareholder shall be entitled to vote on any matter whatever unless all calls due on the stock held by such shareholder shall have been paid up at least one week before the day appointed for such meeting.

21. Any meeting of the provisional or elected directors of the Company regularly summoned at which at least a majority are present, shall be competent and entitled to exercise and use all and every of the powers hereby vested in the said directors; and the said board may employ and pay one of their number as managing director.

22. The directors of the Company shall have power to issue bonds of the Company for the purpose of raising money for prosecuting the said undertaking, but the whole amount of the issue of such bonds shall not exceed in all the sum of \$10,000 for each mile of the said railway, and the provisions of sub-sections 19, 20, 21, 22 and 23 of section 9, of *The Railway Act of Ontario* shall apply to all such bonds and the issue thereof, and such bonds shall be issued subject and according to, and in conformity with the provisions of the said sub-sections.

23. The Company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than \$100, and any such promissory note or bill of exchange made, accepted or endorsed by the president or vice-president of the Company, and countersigned by the secretary of the Company, and under the authority of a quorum of the directors, shall be binding on the Company; and every such promissory note or bill of exchange shall be presumed to have been made with proper authority until the contrary be shown; and in no case shall it be necessary to have the seal of the Company affixed to such promissory note or bill of exchange, nor shall the president, vice-president or the secretary be individually responsible for the same unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted; provided however, that nothing in this section shall be construed to authorize the Company to issue any promissory note or bill of exchange payable to bearer or intended to be circulated as money, or as the notes or bills of a bank.

24. The Company may from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which

which they may be enabled under the powers of this Act to issue for the construction of the said railway.

Agreements  
with other  
companies for  
leasing or hir-  
ing rolling  
stock.

**25.** It shall be lawful for the directors of the Company to enter into an agreement or agreements with any other company or companies, if lawfully authorized to enter into such agreements, or with any person or persons, for leasing, hiring, or use of any locomotives, carriages, rolling stock and other movable property from such companies or persons for such time or times and on such terms as may be agreed on ; and also to enter into agreements with any railway company or companies, if so lawfully authorized, for the use by one or more of such contracting companies of the locomotives, carriages, rolling stock and other movable property of the other or others of them on such terms as to compensation and otherwise as may be agreed upon.

Telegraph and  
telephone  
lines.

**26.** The Company may also construct an electric telegraph and a telephone line in connection with their railway ; and, for the purpose of constructing, working and protecting the said telegraph and telephone line, the powers conferred upon telegraph companies by *The Act respecting Telegraph Companies* being Chapter 192, of the Revised Statutes of Ontario, 1897 are hereby conferred upon the Company ; provided that no poles shall be erected in the construction of either of the said lines in or through any city town, or incorporated village without the consent of the council of such city, town or village being first obtained by the Company ; provided also, that such telegraph and telephone lines shall be used exclusively for the purpose of the business of the Company.

Proviso.

Councils may  
exempt from  
taxation.

**27.** It shall be lawful for the corporation of any municipality through any part of which the railway of the Company passes, or in which it is situate, by by-law especially passed for that purpose, to exempt the Company and its property within such municipality, either in the whole or in part from municipal assessment or taxation or to agree to a certain sum per annum, or otherwise in gross, by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years ; and no such by-law shall be repealed unless in conformity with a condition contained therein.

Gift of lands.

**28.** Any municipality through which the said railway may pass or is situate is empowered to grant, by way of gift to the Company, any lands belonging to such municipality, or over which it may have control, which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway ; and the said railway Company shall have power to accept gifts of land from any Government,



Government, or any person or body corporate or politic, and shall have power to sell or otherwise dispose of the same for the benefit of the Company.

**29.** Whenever it shall be necessary, for the purpose of procuring sufficient lands for stations or gravel pits, or for constructing, maintaining and using the said railway, and in case, by purchasing the whole or any lot or parcel of land over which the railway is to run, the Company can obtain the same at a more reasonable price or to greater advantage than by purchasing the railway line only, the Company may purchase, hold, use and enjoy such lands, and also the right of way thereto if the same be separated from their railway, and may sell and convey the same, or any part thereof from time to time as they may deem expedient; but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

Power to purchase whole lots.

Rev. Stat., c. 207.

**30.** When stone, gravel, earth or sand is or are required for the construction or maintenance of the said railway or any part thereof, the Company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause an Ontario Land Surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award and the tender of compensation, shall have the same effect as in case of arbitration for the roadway; and all the provisions of *The Railway Act of Ontario*, and of this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into Court, the right to sell, the right to convey, and the parties from whom land may be taken or who may sell, shall apply to the subject matter of this section, as to the obtaining materials as aforesaid; and such proceedings may be had by the Company either for the right to the fee simple in the land from which said materials shall be taken, or for the right to take materials for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Acquiring materials for construction.

Rev. Stat., c. 207.

**31.—(1)** When said gravel, stone, earth or sand shall be taken under the preceding section of this Act, at a distance from the line of the railway, the Company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said materials shall be found, whatever the distance may be, and all the provisions of *The Railway Act of Ontario*, and of this Act, except such as relate to filing plans and publications of notices shall apply and may be used and exercised to obtain the right of way from the railway to the land on which the materials are situated; and such right may be so acquired for a term of years or permanently, as the Company may think proper; and the powers in this and the preceding section may

Sidings to gravel pits.

Rev. Stat., c. 207.

at

at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway.

Rev. Stat.,  
c. 207.

(2) When estimating the damages for the taking of gravel, stone, earth or sand, sub-section (9) of section 20 of *The Railway Act of Ontario* shall not apply.

Incidental  
powers, ware-  
houses, docks,  
etc.

**32.** The Company shall have full power to purchase land for, and erect warehouses, elevators, docks, stations, workshops and offices, and to sell and convey such land as may be found superfluous for any such purpose; and the Company shall have power to hold as part of the property of the Company, as many steam or other vessels as the directors of the Company may deem requisite, from time to time, to facilitate the carriage of passengers, freight and other traffic in connection with the railway, on Loughborough Lake and other lakes on the line of the said railway.

Snow fences.

**33.** The Company shall have the right, on and after the first day of November in each year, to enter into and upon any lands of His Majesty, or into and upon any lands of any corporation or persons whatsoever, lying along the route or line of said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any), as may be hereafter established in the manner provided by law in respect of such railway, to have been actually suffered; provided always that any such snow fences so erected shall be removed on or before the first day of April next following.

Agreements  
with other  
companies.

**34.** The Company shall have power to agree for connections and making running arrangements with the Kingston and Pembroke Railway Company or the Canadian Pacific Railway Company, if lawfully empowered to enter into such agreements, upon terms to be first authorised by two-thirds in value of the shareholders at a special general meeting to be held for that purpose; and it shall also be lawful for the Company to enter into an agreement with the said railway companies, if lawfully authorized to enter into such an agreement, for the sale or leasing or hiring of the whole or any portion of the railway herein authorized, or the use thereof, or for the sale or leasing or hiring any locomotives, tenders, plant or rolling stock or other property or of any part thereof or touching any service to be rendered by the one company to the other and the compensation therefor, if the arrangements and agreements shall be so authorized by two-thirds in value of the shareholders voting in person or by proxy at a special general meeting to be called for that purpose, and every such agreement shall be valid and binding according to the terms and tenor thereof, and the Company purchasing, leasing or entering into such agreement for using the said railway, may and is hereby authorized to work the said railway, and in the same manner as if incorporated

ated with its own line ; but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

**35.** The authority and power conferred on the company by this Act to enter into agreements with any other railway company for connections, running arrangements, sale, lease or hiring of the said railway, shall be subject to such terms, conditions and regulations as may be provided and enacted by any general or special Act or Acts which may at the time such agreement is entered into be in force, and to such terms, conditions and regulations general or special as the Lieutenant-Governor in Council or any Special Committee of the Executive Council of Ontario to be appointed for that purpose may from time to time order.

Agreements with other companies to be subject to Government approval.

**36.** Shares in the capital stock of the Company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the Company, or the surrender thereof dispensed with by the Company.

Transfer of shares.

**37.** The Company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges, and without any formal transfer, shall have the same lien for the amount thereof upon such goods or commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

Power to collect back charges, etc.

**38.** The several clauses of *The Railway Act of Ontario* and every Act in amendment thereof shall be incorporated with and be deemed to be part of this Act, and shall apply to the Company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof ; and the expression "this Act," when used herein, shall be understood to include the clauses of the said Railway Act and of every Act in amendment thereof, so incorporated with this Act.

Rev. Stat. c. 207. What sections to apply.

**39.** The railway shall be commenced within three years and finally completed within five years of the passing of this Act.

Time for commencement and completion.



SCHEDULE A.

(Section 6.)

KNOW all men by these presents that I (or we) (*insert the name or names of the vendor or vendors*) in consideration of                      dollars paid to me (or us) by The Kingston and Frontenac Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said Company, and I (or we) (*insert the name of any other party or parties*), in consideration of                      dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels as the case may be) of land (*describe the land*), the same having been selected and laid out by the said Company for the purposes of its railway, to hold with the appurtenances unto the said The Kingston and Frontenac Railway Company, their successors and assigns forever (*here insert any other clauses, covenants and conditions required*), and I (or we), the wife (or wives), of the said                      do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal (or hands and seals) this                      day of                      one thousand nine hundred and three.

Signed, Sealed and Delivered,                      }  
In the presence of                      }

## CHAPTER 101.

An Act to revive, extend and amend an Act to incorporate the Kingston and Gananoque Electric Railway Company.

*Assented to 12th June, 1903.*

WHEREAS John M. Campbell and others were, by an Act Preamble.  
passed in the 58th year of Her late Majesty's reign, Chapter 104, incorporated as a company under the name of "The Kingston and Gananoque Electric Railway Company" for the purpose of constructing and operating certain electric railways from the City of Kingston to the Town of Gananoque, along the routes set forth in the said Act, to the Town of Perth; and whereas by Section 12 of the said Act it was provided that the said work should be commenced within two years from the passage of the said Act; and whereas the said Company have been unable to commence the said railways within the said two years and have by their petition prayed that the time for the commencement of the same be extended for two years from the passing of this Act, and that the said railway may be extended from the Town of Perth in a northerly direction through the Townships of Drummond and Lanark in the County of Lanark to the Village of Lanark, and that the powers of the Company be otherwise extended in the manner hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Act passed in the 58th year of Her late Majesty's reign, Chapter 104, and entitled *An Act to incorporate The Kingston and Gananoque Electric Railway Company* is hereby revived and the said The Kingston and Gananoque Electric Railway Company is declared to be and to have been from the date of the passing of the said Act an existing corporation as incorporated by and subject to the provisions of the said Act as amended by this Act, and the time for the commencement of the said railways or such sections or branches thereof as are authorized by the said Act is hereby extended to two years and the completion to five years after the passing of this Act.

58 V. c. 104  
revived.

58 V. c. 104,  
s. 2, amended.

2. Section 2 of the said Act is amended by inserting after the word "Perth" in the 13th line thereof the words "thence, in a northerly direction through the Townships of Drummond and Lanark, in the County of Lanark, to the Village of Lanark."

58 V. c. 104,  
s. 3 repealed.

3. Section 3 of the said Act is hereby repealed and the following substituted therefor:—

Provisional  
directors.

3. John M. Campbell, C. E. Britton, E. L. Atkinson, W. J. Gibson, J. C. Judd, J. B. McArthur and Colin James Sewell, with power to add to their number, shall be and are hereby constituted a board of provisional directors of the said Company and shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders.

58 V. c. 104,  
ss. 6, 8, 9, 10,  
11 repealed.

4. Sections 6, 8, 9, 10 and 11 of the said Act are hereby repealed.

No. of  
directors.

5. The number of directors shall not be less than five, nor more than nine.

Date of annual  
meeting.

6. The date of the annual meeting of the shareholders shall be fixed by the by-laws of the Company.

Calls.

7. The directors of the Company may from time to time make such calls of money upon the respective shareholders in respect of the amount of capital respectively subscribed or owing by them as they deem necessary, and thirty days' notice at the least shall be given of each call, as provided by *The Electric Railway Act*, and no call shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, or be made at a less interval than two months from the previous call.

Rev. Stat.,  
c. 209.

Rights of  
aliens.

8. Aliens and companies incorporated abroad, as well as British subjects and Corporations, may be shareholders in the Company, and all such shareholders, whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors of the Company.

Preferential  
stock.  
Rev. Stat., c  
191.

9. The provisions of *The Ontario Companies Act* relating to the issue of preferential stock and being section 22 of said Act and the amendments thereto are hereby incorporated in and made part of this Act.

Powers to  
make surveys  
and build  
railway in  
sections.

10. The Company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the said railways are to pass, together with the map or plan thereof, and of their course and direction, and of the lands



lands intended to be passed over and taken therefor, so far as then ascertained, and also a statement in accordance with the provisions of section 27 of *The Electric Railway Act*, and to deposit the same as required by the clauses of the said Electric Railway Act, and amendments thereto, with respect to plans and surveys, by sections or portions less than the length of the whole railways authorized, of such length as the company may from time to time see fit, so that no one of such sections or portions shall be less than five miles in length; and upon such deposit as aforesaid of the map or plan and statement of any and each of such sections or portions of the said railways, all and every of the clauses of the said Electric Railway Act and the amendments thereof applied to, included in or incorporated with this Act, shall apply and extend to any and each of such sections or portions of the said railways as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railways are to pass, together with the map or plan of the whole thereof, and of their whole course and direction and of the lands intended to be passed over and taken, and the statement of the whole of said railways had been taken, made, examined, certified and deposited according to the said clauses of the said Electric Railway Act and the amendments thereof with respect to plans and surveys. The construction of the railway in sections may be commenced at such point on the line of railway as the directors may determine, but the said work of construction shall be carried on from such point by sections continuing therefrom so as to form at all times one continuous line of railway; provided, however, that the Lieutenant-Governor in Council may sanction and approve of the construction by sections at different points and not continuously along the said line of railway.

Rev. Stat.  
c. 209.

**11.** Whenever any section of the said railway, of not less than five miles, has been completed, the Company may give to the Commissioner of Public Works a notice as to it, similar to that required by section 87 of *The Electric Railway Act*, and unless ordered as provided by section 89 of the said Act to postpone the same, may open and operate such section as if it were a completed road, and all the sections of the said Act applicable thereto shall thereupon apply to the said section as if it were a completed road and to its operation.

Power to  
operate road  
in sections.

Rev. Stat.,  
c. 209.

**12.** The said company shall have all the borrowing powers conferred by the provisions relating thereto in *The Electric Railway Act*, and may issue bonds, debentures and other securities, as therein provided, to an amount not exceeding \$20,000 for each mile of the railway, and the power of issuing such bonds, debentures or other securities may be exercised from time to time as said sections of five miles or over are opened, to the amount of \$20,000 a mile for each mile so opened, although twenty per centum of the authorized capital may

Power to borrow by the  
issue of bonds,  
etc.

Rev. Stat.,  
c. 209.

may not have been then actually expended, and when said twenty per centum has been actually expended on the work of the said railway, then the company shall have all the powers relating to the issue of bonds, debentures and securities conferred by *The Electric Railway Act*, and to the said limit or amount of \$20,000 per mile of the railway.

Directors  
empowered to  
pay in stock.

**13.** The directors may enter into a contract or contracts with any individual, corporation or association of individuals for the construction or equipment of the railway or any part thereof, including or excluding the purchase of right of way, and may pay therefor either in whole or in part, either in cash or bonds, or in paid up stock, and may pay or agree to pay in paid up stock or in bonds of the said Company such sums as they may deem expedient to engineers, or for the right of way or material, plant or rolling stock, and also for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors and furthering the undertaking, or for the purchase of right of way, material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors, or not; provided that no such contract shall be of any force or validity till sanctioned by resolution passed by the votes of the shareholders in person or by proxy, representing two thirds in value of the whole amount paid up of the total capital stock of the Company then issued and outstanding at a general meeting of the shareholders especially called for the purpose of considering such matters, and the stock so acquired by any person shall for all purposes be deemed to be paid up in cash.

Proviso.

Special rates.

**14.** The Company may make uniform special rates for the carriage of fruits, milk and other perishable freight.

Collection of  
back charges.

**15.** The Company shall have the power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges and without any formal transfer shall have the same lien for the amount thereof upon such goods or commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

Power to  
make con-  
nections and  
running  
arrangements  
with certain  
railways.

**16.** The Company shall have power to agree for connections and making running arrangements with the Brockville Westport and Sault Ste Marie Railway, the Grand Trunk Railway Company of Canada, the Canadian Pacific Railway Company, or any one or more of said companies, if lawfully empowered to enter into any such agreement, upon terms to be approved by two-thirds in value of the shareholders, at a special general meeting to be held for that purpose; and it shall also be lawful for the said company to enter into an agree-  
ment

ment or agreements with the said companies or any of them, if lawfully authorized to enter into any such agreement, for the sale or leasing or hiring of any portion of the railway herein authorized or the use thereof, or for the sale or leasing or hiring any motors, carriages or cars or any of them or of any part thereof, or touching any service to be rendered by one company to the other, and the compensation therefor, if the arrangements and agreements shall be approved of by two-thirds in value of the shareholders voting in person or by proxy at a special general meeting to be called for that purpose; and every such agreement shall be valid and binding according to the terms and tenor thereof; and the company purchasing, leasing or entering into such agreement for using the said railway, may and are hereby authorized to work the said railway, in the same manner as if incorporated with their own line, subject to the provisions of any by-law or by-laws of the said municipalities which may from time to time be in force so far as the same may affect the Company hereby incorporated, or the railway to be built under the authority of this Act; provided that electric power, compressed air, or any other motive power approved of by the Commissioner of Public Works, except steam, only shall be used in operating any portion of the said railways or any section or branch thereof; and provided also that no such agreement for connections, running arrangements, sale, leasing, or hiring of the said railway or any portion thereof, shall be entered into by the said Company unless and until the consent of the corporation of the municipality or municipalities having jurisdiction in that respect has first been obtained thereto; but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

Proviso.

17. The authority and power conferred upon the Company by this Act to enter into agreements with any other railway Company for connections, running arrangements, sale lease or hiring of the said railway, or to sell or lease or transmit electrical power, shall be subject to such terms, conditions and regulations as may be provided and enacted by any general or special Act or Acts which may at the time such agreement is entered into be in force, and to such terms, conditions and regulations, general or special, as the Lieutenant-Governor in Council or any Special Committee of the Executive Council of Ontario appointed for that purpose may from time to time order.

Power as to agreements with other companies to be subject to regulations.

18. Notwithstanding any provisions to the contrary in any other Act, the Company's railway may cross the railway of any other company upon a level therewith with the consent of such other company, or with the authority of the Railway Committee of the Privy Council of Canada.

Power to cross other railways.



Payment of  
Fees and  
Expenses.

19. The directors are hereby authorized to pay out of moneys of the Company all fees, expenses and disbursements of and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized.

Municipalities  
not to grant  
exclusive  
rights.

20. Notwithstanding anything contained in this Act, or in any Statute of the Province, no municipality shall have the power to grant to said railway any exclusive rights, privileges or franchise as to the transmission of electrical energy for power, light and heat over or across any public highway or street in said municipality.

Rev. Stat.  
c. 209.

Electric Rail-  
way Act, when  
to apply.

21. The several clauses of *The Electric Railway Act* and of every Act in amendment thereof shall be incorporated with and be deemed to be part of this Act, and shall apply to the Company and to the railway to be constructed by them except so far only as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein, shall be understood to include the clauses of *The Electric Railway Act*, and of every Act in amendment thereof so incorporated with this Act.

Telegraph and  
Telephone  
Line.

22. The Company may also construct an electric telegraph line and a telephone line throughout and along the whole line of their railway and the branches thereof, or any part of said railway or branches; and, for the purpose of constructing, working and protecting the said telegraph and telephone lines the powers conferred upon telegraph companies by *The Act Respecting Telegraph Companies*, being Chapter 192 of the Revised Statutes of Ontario, 1897, are hereby conferred upon the Company; provided that no poles shall be erected in the construction of either of the said lines in or through any city, town, or incorporated village, without the consent of the council of such city, town, or village being first obtained by the company; provided also, that such telegraph and telephone lines shall be used exclusively for the purposes of the business of the company.

Disposal of  
surplus  
electric power.

23. The company may sell or lease in any municipality where such sale or lease is authorized by by-law of the council of the municipality and subject to the terms and conditions of such by-law, any electricity not required for the purposes of the company to any person or corporation, and the Company in that behalf shall, subject to the provisions and restrictions of this Act, possess the powers, rights and privileges, and be subject to all the obligations and restrictions of joint stock companies incorporated under *The Act Respecting Companies for Supplying Steam, Heat, Electricity or Natural Gas for Heat, Light or Power*; and to acquire, and hold any property necessary for the purposes mentioned in this section.

Rev. Stat.,  
c. 200.

24. Any municipality through which the said railway passes and having jurisdiction in the premises may, subject to the provisions and conditions contained in this Act, *The Municipal Act* and any Act or Acts amending the same, and subject also to the terms of, and unless restricted by, any agreement lawfully entered into between any such municipality and any other railway or street railway company, pass a by-law or by-laws empowering the said company to make their road and lay their rails along any of the highways within such municipality, including any road in the possession or under the control of any joint stock company, with the consent of and subject to the conditions imposed by such joint stock company, and under and subject to any agreement or agreements hereafter to be made between any such municipality and the said company, and it shall and may be lawful for the said company to enter into and perform any such agreements as they may from time to time deem expedient with any municipality, corporation or person, for the construction or for the maintenance and repair of gravel or other public roads leading to or used by the said railway.

Laying rails  
on highways.

Rev. Stat.,  
c. 223.

25. Notwithstanding anything in this Act contained, the railway shall not be constructed within the limits of any city except upon and subject to such terms and conditions as may mutually be agreed upon between the Company and any street railway or electric railway already operating in such city, provided always that if the council of such city shall by by-law or resolution request the street railway company or electric railway company to allow its tracks or any of the city streets to be used for the entrance of the railway to be constructed under this Act into such city, the company shall permit its tracks or any city streets to be so used to some central point in the said city to be named by the city council upon such terms and conditions as to compensation and otherwise as may be mutually agreed upon between the company authorized by this Act to construct a railway, the city corporation and such street railway or electric railway company, or as shall be settled and determined by the Lieutenant-Governor in Council in case the city corporation and the said two companies are unable to agree upon the same.

Operating in  
cities.

26. The name of the Kingston and Gananoque Electric Railway Company is hereby changed, and the corporate name of the company is hereby declared to be The Kingston, Gananoque and Perth Electric Railway Company.

Change of  
corporate  
name.

## CHAPTER 102.

## An Act to incorporate The Lac Seul, Rat Portage and Keewatin Railway Company.

*Assented to 27th June, 1903.*

## Preamble.

WHEREAS Charles Walter Chadwick, Manager; Alexander Marshall Hay, Capitalist; Albert Henry Edmison, Physician; Charles Edgar Neads, Manager; Alexander Mason Rose, Accountant; John Robert Bunn, Insurance Agent, and Alfred Joseph Parsons, Agent, all of the Town of Rat Portage in the District of Rainy River and Province of Ontario; have by their petition prayed for an Act of Incorporation, under the name of "The Lac Seul, Rat Portage and Keewatin Railway Company," for the purpose of constructing, maintaining and operating a railway from a point at or near Lac Seul in the District of Rainy River and Province of Ontario and continuing in a southerly direction through the Town of Rat Portage and Township of Keewatin to a point at or near Shoal Lake in the said province and district aforesaid; and it has been represented that the line of railway of the company so to be incorporated will, for the most part be constructed in the unorganized part of the province; and it is proposed to operate the same by steam or electricity; and whereas owing to the location of the line of the said railway, the provisions of *The Electric Railway Act* are not applicable to the company so to be incorporated, and the said petitioners have prayed that there may be conferred upon them the powers ordinarily given upon the incorporation of a railway to be operated by steam; and whereas for the reasons aforesaid the circumstances of the said proposed line of railway are exceptional; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

## Incorporation.

1. The said Charles Walter Chadwick, Alexander Marshall Hay, Albert Henry Edmison, Charles Edgar Neads, Alexander Mason Rose, John Robert Bunn and Alfred Joseph Parsons and such other persons as shall become provisional directors, and such other persons and corporations as shall hereafter become shareholders in the said company, are hereby constituted a body corporate and politic under the name of "The Lac Seul, Rat Portage and Keewatin Railway Company" hereinafter called "the company."



2. The company is hereby authorized and empowered to survey lay out, construct, build, equip and maintain a railway, to be operated by steam or electricity, with double or single iron or steel tracks, from a point at or near Lac Seul in the District of Rainy River and continuing in a southerly direction by the most feasible route via Rat Portage and the Township of Keewatin to a point at or near Shoal Lake in the District of Rainy River, and to construct branch lines, none of which are to exceed 12 miles in length, and to exercise all the powers, rights and privileges required therefor in as full and ample a manner as for the main line of the said railway. And the said railway, or any part thereof, so far as the same may be operated by electricity, may be carried along and upon such public highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same, and subject to the restrictions and provisions therein and in this Act contained, and under and subject to any agreements between the company and the councils of the said corporations, and between the company and the road companies (if any) interested in such highways, and the company may make and enter into any agreement with any municipal corporation or road company as to the terms of occupancy of any street or highway, subject to the provisions and conditions contained in this Act, *The Electric Railway Act* and in *The Municipal Act* and any Act or Acts amending the same; provided that *The Electric Railway Act* shall not apply to the company except in so far as their railway is constructed along or upon a public highway.

Location of  
Line.Rev. Stat. c.  
209.  
Rev. Stat. c.  
223.

3. The gauge of the said railway shall be four feet, eight and one-half inches.

Gauge.

4.—(1) The said Charles Walter Chadwick, Alexander Marshall Hay, Albert Henry Edmison, Charles Edgar Neads, Alexander Mason Rose, John Robert Bunn, and Alfred Joseph Parsons shall be and are hereby constituted a board of provisional directors of the company, of whom a majority shall be a quorum, and shall hold office as such until other directors shall be appointed, under the provisions of this Act, by the shareholders.

Provisional  
directors.

(2) The said provisional directors shall have power to add to their number, or to substitute for any member of the said board of provisional directors (whether named in this Act, or by the said provisional directors) who may desire to resign or withdraw from his position as a provisional director of the said company, any other person as a provisional director thereof; and all such persons as shall, from time to time, be provisional directors of the said company, pursuant to the provisions of this Act, shall constitute the board of provisional directors thereof.

(3) The first meeting of the board of provisional directors may

may

may be called upon notice signed by or on behalf of three provisional directors; such notice to be mailed to the said provisional directors at their respective places of address, as set forth in this Act; and the said board of provisional directors may, from time to time, pass resolutions or by-laws providing for the time, place or manner of calling future meetings of the said board of provisional directors.

Powers of  
provisional  
directors.

5. The said board of provisional directors shall have power forthwith to open stock books and procure subscriptions of stock for the undertaking and to allot the stock and to receive payments on account of stock subscribed, and to make calls upon subscribers in respect of their stock, and to sue for and recover the same, and to cause plans and surveys to be made and to receive for the company any grant, loan, bonus or gift made to it, or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway; and shall have all such other powers as under *The Railway Act of Ontario* are vested in ordinary directors. The said provisional directors, or a majority of them, or the board of directors to be elected as hereinafter mentioned, may, in their discretion exclude any one from subscribing for stock, who, in their judgment, would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act, and if at any time a portion or more than the whole stock shall have been subscribed the said provisional directors, or board of directors, shall allocate and apportion it amongst the subscribers, as they shall deem most advantageous and conducive to the furtherance of the undertaking, and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers, if, in their judgment, such exclusion will best secure the building of the said railway; and all meetings of the provisional board of directors shall be held at the Town of Rat Portage or at such other place as may best suit the interests of the company.

Rev. Stat.  
c. 207.

Capital stock.

Rev. Stat.  
c. 207.

6. The capital stock of the company hereby incorporated shall be one hundred thousand dollars (with power to increase the same in the manner provided by *The Railway Act of Ontario*) to be divided into one thousand shares of one hundred dollars each, and shall be raised by the persons and corporations who may become shareholders in the company, and the money so raised shall be applied, in the first place, to the payment of all fees, expenses and disbursements of and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and the remainder of said money shall be applied to the making, equipping, completing and maintaining of the said railway, and to the other purposes of this Act.

7. When and so soon as shares to the amount of \$20,000 of the capital stock in the company shall have been subscribed, and ten per centum paid thereon into some chartered bank of the Dominion, having an office in the Province of Ontario, to the credit of the company, and which shall on no account be withdrawn therefrom, unless for the services of the company, the said provisional directors, or a majority of them, shall call a general meeting of the shareholders for the purpose of electing directors of the company, giving at least four weeks' notice of such meeting by advertisement in the *Ontario Gazette*, and in at least one newspaper published in the District of Rainy River, of the time, place and purpose of the said meeting.

First meeting  
for election  
of directors.

8. At such general meeting the shareholders present either in person or by proxy, who shall at the opening of such meeting have paid up ten per centum on the stock subscribed by them, shall elect not less than five and not more than twelve persons to be directors of the company in manner and qualified as hereinafter mentioned, who shall constitute a board of directors, and shall hold office until the next general annual meeting, and a majority of the directors shall form a quorum of the board, and may pass such rules, regulations and by-laws as may be deemed expedient and are not inconsistent with this Act and *The Railway Act of Ontario*, and the said board may employ and pay one of their number as managing director.

Directors  
first election  
of.

Rev. Stat.  
c. 207.

9. No person shall be qualified to be elected as such director by the shareholders unless he is a shareholder holding at least 10 shares of stock in the company, and unless he has paid up all calls thereon.

Qualification.

10. Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the company, and all such shareholders, whether resident in this province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible for office as directors in the company.

Rights of  
aliens.

11. The directors may, from time to time, make calls on the subscribed stock of the said company, as they shall think fit, provided that no call shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days' notice shall be given of such call, as hereinafter provided in section 13 of this Act.

Calls.

12. The head office of the company shall be at the Town of Rat Portage in the District of Rainy River.

Head office.

13. The general annual meeting of the shareholders of the company shall be held in such place in the said Town of Rat Portage

General  
annual  
meetings.



Portage or at such other place in the Province of Ontario, on such days and at such hours as may be directed by the by-laws of the company; and public notice thereof shall be given at least four weeks previously, by publishing the same in the *Ontario Gazette* and once a week in one newspaper published in the District of Rainy River during the four weeks immediately preceding the week in which such meeting is to take place.

Special  
general  
meetings.

**14.** Special general meetings of the shareholders of the said company may be held at such places, at such times, in such manner and for such purposes as may be provided by the by-laws of the company, upon such notice as is provided in the last preceding section.

Voting by  
proxy.

**15.** At all meetings of the company the shareholders thereof may vote by proxy, and the proxy may be appointed in such manner and by such means as the by-laws of the company may provide, but no person shall be qualified to be so appointed who is not himself a shareholder in the company.

Subscriptions  
not binding  
till approved.

**16.** No subscription for stock in the capital of the company shall be binding on the company unless it shall be approved by resolution of the directors, nor unless ten per centum of the amount subscribed shall be actually paid thereon within one month after subscription.

Shares,  
transfer of.

**17.** Shares in the capital stock of the company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company.

Bonds.

**18.** The directors of the company shall have power to issue bonds of the company for the purpose of raising money for prosecuting the said undertaking, but the whole amount of the issue of such bonds shall not exceed in all the sum of \$20,000 for each mile of the said railway and branches, and the provisions of sub-sections 19, 20, 21, 22 and 23 of section 9 of *The Railway Act of Ontario* shall apply to all such bonds and the issue thereof, and such bonds shall be issued subject and according to, and in conformity with the provisions of the said sub-sections.

Rev. Stat.  
c. 207.

Bonds how  
transferable.

**19.** All such bonds, debentures and other securities and coupons, and interest warrants thereon respectively may be made payable to bearer and transferable by delivery, and any holder of any such securities so made payable to bearer, may sue at law thereon in his own name.

20. The company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than \$100, and any such promissory note or bill of exchange made, accepted or endorsed by the president or vice-president of the company, and countersigned by the secretary or treasurer, as may be provided by the by-laws of the company, which by-laws shall be submitted for approval by the Lieutenant-Governor in Council, shall be binding on the company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shewn, and in no case shall it be necessary to have the seal of the said company affixed to said promissory note or bill of exchange, nor shall the president, vice-president or the secretary or treasurer be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted; provided, however, that nothing in this section shall be construed to authorize the said company to issue any promissory note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

21. The company may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they may be enabled, under the powers of this Act, to issue for the construction of the said railway.

22. The directors may enter into a contract or contracts with any individual, corporation or association of individuals for the construction or equipment of the railway or any part thereof, including or excluding the purchase of right of way, and may pay therefor either in whole or in part, either in cash or bonds, or in paid up stock, and may pay or agree to pay in paid up stock or in bonds of the said company such sums as they may deem expedient to engineers, or for the right of way or material, plant or rolling stock, and also for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors and furthering the undertaking, or for the purchase of right of way, material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not, provided that no such contract shall be of any force or validity unless first authorized by resolution passed by the votes of the shareholders in person or by proxy, representing two thirds in value of the subscribed capital stock, and on which no call is in default and unpaid at a general meeting specially called for that purpose.

23. The company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the said railway is to pass, together with the map or plan thereof, and of its course and direction, and of the lands intended

Rev. Stat.  
c. 207.

intended to be passed over and taken therefor, so far as then ascertained, and also the book of reference for the railway, and to deposit the same as required by the clauses of *The Railway Act of Ontario*, and the amendments thereto, with respect to plans and surveys, by sections or portions less than the length of the whole railway authorized, of such length as the company may from time to time see fit, so that no one of such sections or portions shall be less than ten miles in length; and upon such deposit as aforesaid of the map or plan and book of reference of any and each of the said sections of said railway, or portions of the said railway, all and every of the clauses of the said Railway Act and the amendments thereof applied to, included in or incorporated with this Act, shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof and of their whole course and direction, and of the lands intended to be passed over and taken, and the book of reference of the whole of the said railway had been taken, made, examined, certified and deposited according to the said clauses of the said Railway Act and the amendments thereof, with respect to plans and surveys.

Power to  
purchase  
whole lots.

24. Whenever it shall be necessary for the purpose of procuring sufficient land for stations or gravel pits, or for constructing, maintaining and using the said railway, and in case, by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price or at a greater advantage than by purchasing sufficient land for the railway line only, the company may purchase, hold, use and enjoy such lands and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same, or any part thereof, from time to time as they may deem expedient; but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

Rev. Stat.  
c. 207.

Taking land  
for gravel  
pits, etc.

25. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway, or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situated for the purchase thereof, cause an Ontario land surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, as in the case of acquiring the roadway, and the notice of arbitration, the tender of compensation and the award shall have the same effect as in case of arbitration for the roadway; and all the provisions of *The Railway Act of Ontario*, and of this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the

Rev. Stat.  
c. 207.



the right to convey, and the parties from whom the land may be taken, or who may sell, shall apply to the subject matter of this section, as to the obtaining materials as aforesaid; and such proceedings may be had by the company either for the right to the fee simple in the land from which said materials shall be taken, or for the right to take materials for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

**26.** (1) When said gravel, stone, earth or sand shall be taken under the preceding section of this Act at a distance from the line of railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions of *The Railway Act of Ontario*, and of this Act, except such as relate to filing plans and publications of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the lands on which such materials are situated; and such right may be so acquired for a term of years or permanently, as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway.

Sidings to  
gravel pits.

Rev. Stat.  
c. 207.

(2) When estimating the damages for the taking of gravel, stone, earth or sand, sub-section 9 of section 20 of *The Railway Act of Ontario* shall not apply.

Rev. Stat.  
c. 207.

**27.** The company may also construct an electric telegraph line and a telephone line throughout and along the whole line of their railway and the branches thereof, or any part of said railway or branches, and for the purpose of constructing, working and protecting the said telegraph and telephones lines, the powers conferred upon telegraph companies by *The Act Respecting Telegraph Companies*, being chapter 192 of the Revised Statutes of Ontario, 1897, are hereby conferred upon the company; provided, that no poles shall be erected in the construction of either of the said lines in or through any city, town or incorporated village, without the consent of the council of such city, town or village being first obtained by the company; and the company may undertake the transmission of messages for the public by such line or lines of telegraph or telephone, and collect tolls for so doing. And with the consent of the Lieutenant-Governor in Council, to enter upon, use, occupy and enjoy any unoccupied lands of the Crown for any or all the purposes aforesaid.

Telegraph and  
telephone line.

**28.** The company shall have power and authority:—

(1)

General  
powers.  
Power houses,  
docks, etc.

(1) To purchase land for, and erect power houses, warehouses, elevators, docks, stations, workshops, machine shops, foundries and offices, and to sell and convey such land as may be found necessary for any such purpose, and the company shall have power to build, own, operate and hold as part of the property of the said company, as many steam or other vessels as the directors of the company may deem requisite, from time to time, to facilitate the carriage of passengers, freight and other traffic in connection with the railway.

Stations,  
wharfs, etc.

(2) To erect and maintain all necessary and convenient buildings, stations, depots, wharves and fixtures, and from time to time to alter, repair or enlarge the same, and to build, purchase and acquire motors, engines, carriages, wagons and other machinery and contrivances necessary or convenient for the working of the railway and the accommodation and use of the passengers, freight and business of the railway ;

Production  
of electricity.

(3) To lease, purchase and acquire water powers within twenty miles of the railway and branches thereof herein authorized and to construct, maintain and operate works for the production of electricity for the motive power of the said railway, and for the lighting and heating the rolling stock and other property of the company ;

Disposing of  
electric power.

(4) To sell or lease in the unorganized territory, and in any municipality where such sale or lease is authorized by by-law of the council of the municipality and subject to the terms and conditions of such by-law, any such electricity not required for the purposes aforesaid, to any person or corporation, and the company in that behalf shall, subject to the provisions and restrictions of this Act, possess the powers, rights and privileges, and be subject to all the obligations and restrictions of joint stock companies incorporated under *The Act Respecting Companies for Supplying Steam, Heat, Electricity, or Natural Gas for Heat, Light or Power*, and to acquire and hold any property necessary for the purposes mentioned in this subsection;

Rev. Stat.  
c. 207.

Bringing  
electricity  
through  
other lands.

(5) To acquire, by purchase or lease, the right to convey electricity required for the working of the railway and lighting or heating the same, over, through or under lands other than the lands of the said railway, and with the consent of the councils of the municipalities affected, to purchase the right to lay conduits under, or erect poles and wires on or over such lands as may be determined by the company, and along and upon any of the public highways, or across any of the waters in this province, by the erection of the necessary fixtures, including posts, piers or abutments for sustaining the cords or wires of such lines, or the conduits for such electricity, upon and subject to such agreement in respect thereof as shall first be made between the company and any private owners of the land affected, and between the company and any municipality in which said works, or any part thereof, or of  
the

the railway, may be situate, and under and subject to any by-law or by-laws of the council of such municipality passed in pursuance thereof. And with the consent of the Lieutenant-Governor in Council to enter upon, use, occupy and enjoy any unoccupied lands of the Crown for any or all the purposes aforesaid.

**29.** Conveyances of lands to the company for the purposes of and powers given by this Act, made in the form set forth in Schedule A. hereunder written, or to the like effect, shall be sufficient conveyance to the company, their successors and assigns, of the estate or interest therein mentioned, and sufficient bar of dower, respectively, of all persons executing the same; and such conveyances shall be registered in the same manner, and upon such proof of execution as is required under the Registry Laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicate thereof.

Form of conveyance to company.

**30.** (1) The railway of the company shall not be constructed or operated on, upon or along any street, highway or public place of any municipality until first authorized by an agreement in respect thereto made between the company and such municipality, and under and subject to the terms of such agreement and of section 2 of this Act, and of any By-law or By-laws of the council of said municipality to be passed in pursuance thereof; and in all such cases any and every work, matter or thing in connection with electricity or other motor power, and the application and using thereof in so constructing, operating and working such railway, or the cars, carriages, engines motors or machines aforesaid shall be so constructed, erected, laid down and arranged as to impede or incommode the public use of such street, highway or public place as little as possible, and so as not to be a nuisance thereto, nor to interfere with the free access to any house or other building erected in the vicinity of the same, and the electric and other appliances shall be of such an improved manufacture, and so placed as to avoid, so far as possible, any danger to buildings or other property, and provided that none of the works or property of the company shall be so constructed or placed as to injuriously interrupt navigation in any navigable river.

Construction of line on high ways.

(2) The By-laws mentioned in section 2, sub-section 5 of section 28, and in this section shall be subject to the conditions and provisions of section 632 of *The Municipal Act*.

Rev. Stat. c. 223.

**31.** The company shall have the right on and after the first day of November in each year to enter into and upon any lands of His Majesty, or into and upon any lands of any corporation or persons whatsoever lying along the route or line of said railway, and to erect and maintain snow fences thereon,

Snow fences.



thereon, subject to the payment of such damages (if any) as may be hereafter established in the manner provided by law in respect of such railway, to have been actually suffered; provided always that any such snow fences so erected shall be removed on or before the first day of April next following.

Agreements  
for leasing its  
rolling stock.

**32.** It shall be lawful for the directors of the company to enter into any agreement or agreements with any other company or companies, if lawfully authorized to enter into such agreements, or with any person or persons, for leasing, hiring or use of any locomotives, carriages, rolling stock, and other movable property from such companies or persons for such time or times, and on such terms as may be agreed on, and also to enter into agreements with any railway company or companies, if so lawfully authorized, for the use by one or more of such contracting companies of the locomotives, carriages, rolling stock and other movable property of the other or others of them, on such terms as to compensation or otherwise, as may be agreed on.

Agreements  
with other  
companies.

**33.** The company is authorized to contract and agree with the Canadian Pacific Railway Company, the Grand Trunk Railway Company of Canada, the Ontario, Hudson's Bay and Western Railways Company, the Algoma Central Railway Company, the Canada Northern Railway Company, and any other railway company the lines of which are approached or crossed by the line or lines of the company, if lawfully authorized to enter into such arrangements, for amalgamation with any or either of them, provided that no such contract shall be of any force or validity unless first authorized by resolution passed by the votes of the shareholders, in person or by proxy, representing two-thirds in value of the subscribed capital stock and on which no call is in default and unpaid at a general meeting especially called for that purpose.

Running  
arrangements  
with other  
companies.

**34.** The company shall have power to agree for connections and make running arrangements with the Canadian Pacific Railway Company, the Grand Trunk Railway Company of Canada, the Ontario Hudson's Bay and Western Railways Company, the Algoma Central Railway Company, the Canada Northern Railway Company, and any other railway company, the lines of which are approached or crossed by the line or lines of the company, if lawfully empowered to enter into such agreements, upon terms to be first authorized by two-thirds in value of the shareholders at a special general meeting to be held for that purpose, and it shall also be lawful for the said company to enter into any agreement with any or either of the said railway companies, if lawfully authorized to enter into such agreement, for the sale or leasing or hiring of the whole or any portion of the railway herein authorized, or the use thereof, or for the sale or lease or hiring any locomotives, tenders, plant or rolling stock or other property or of any part

part thereof, or touching any service to be rendered by one company to the other, and the compensation therefor, if the arrangements and agreements shall be so authorized by two-thirds in value of the shareholders voting in person or by proxy, at a special general meeting to be called for that purpose; and such an agreement shall be valid and binding, according to the terms and tenor thereof, and the company purchasing, leasing, or entering into such an agreement for using the said railway, may and are hereby authorized to work the said railway, and in the same manner as if incorporated with their own line; but nothing in this or in the preceding section shall be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

**35.** The authority and power conferred on the company by this Act to enter into agreements with any other railway company for connections, running arrangements, sale, lease, amalgamation, or hiring of the said railway or to sell or lease or transmit electrical power, shall be subject to such terms, conditions and regulations as may be provided and enacted by any general or special Act or Acts which may at the time such agreement is entered into be in force and to such terms, conditions and regulations general or special as the Lieutenant-Governor in Council or any Special Committee of the Executive Council of Ontario appointed for that purpose may from time to time order.

Power to make connections, to be subject to subsequent legislation.

**36.** The company may receive from any government, or persons or bodies corporate, municipal or politic, who have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway, by way of gift, bonus or loan of money or debentures, or other securities for money, or by way of guarantee upon such terms and conditions as may be agreed upon.

Aid for construction of.

**37.** Any municipality, or any portion of a township municipality which may be interested in securing the construction of the said railway, or through any part of which, or near which the railway or works of the company shall pass, or be situate, may aid the company by giving money or debentures by way of bonus, gift or loan, or by the guarantee of the municipal corporation under and subject to the provisions hereinafter contained; provided always that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified rate-payers of the municipality, or portion of the municipality. as the case may be, in accordance with and as provided by law in respect to granting aid by way of bonuses to railways.

Municipal bonuses.

Submitting  
bonus  
by-laws.

**38.** Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely :—

(1) The proper petition shall first be presented to the council, expressing the desire to aid the railway, and stating in what way and for what amount ; and the council shall within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same to the approval of the qualified voters.

(2) In the case of a county municipality, the petition shall be that of a majority of the members of the county council, or of fifty resident freeholders, in each of the minor municipalities of the county, who are qualified voters under *The Municipal Act* and the amendments thereto.

(3) In the case of other municipalities, the petition shall be that of a majority of the council thereof, or of fifty resident freeholders, being duly qualified voters under *The Municipal Act* and amendments thereto as aforesaid.

(4) In the case of a section of a township municipality, the petition is to be presented to the council, defining the section by metes and bounds, or lots and concessions, and shall be that of a majority of the council of such township municipality, or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

Provisions  
in bonus  
by-laws.

**39.** Such by-law shall, in each instance, provide :—

(1) For raising the amount petitioned for in the municipality, or portion of the township municipality (as the case may be) mentioned in the petition, by the issue of debentures of the county or minor municipality respectively, and shall also provide for the delivery of the said debentures, or the application of the amount to be raised thereby, as may be expressed in the said by-law.

(2) For assessing and levying upon all rateable property lying within the municipality, or portion of the township municipality defined in such by-law (as the case may be) an annual special rate sufficient to include a sinking fund for the repayment of the said debentures within twenty years with interest thereon payable yearly or half-yearly, which debentures the respective municipal councils, wardens, mayors, reeves and other officers thereof are hereby authorized to execute and issue in such cases respectively.

Petition  
against aid  
from  
county.

**40.** In case of aid from a county municipality fifty resident freeholders of the county may petition the county council against submitting the said by-law, upon the ground that certain minor municipalities or portions thereof comprised in  
the



the said by-law would be injuriously affected thereby, or upon any other ground, ought not to be included therein, and upon deposit by the petitioner with the treasurer of the county of a sum sufficient to defray the expenses of such reference the said council shall forthwith refer the said petition to three arbitrators, one being the Judge of the County Court, or district objecting, one being the registrar of the county or of the riding in which the county town is situated, and one being an engineer appointed by the Commissioner of Public Works for Ontario, who shall have power to confirm or amend the said by-law by excluding any minor municipality or any section thereof therefrom; and the decision of any two of them shall be final, and the by-law so confirmed or amended shall thereupon, at the option of the railway company, be submitted by the Council to the duly qualified voters, and in case the by-law is confirmed by the arbitrators, the expense of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company or the county, as the arbitrators may order.

**41.** The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township or incorporated village, situate in the county or district municipality. "Minor Municipality" meaning of.

**42.** Before any such by-law is submitted, the railway company shall, if required, deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said by-law. Deposit of expenses of bonus by-law.

**43.** In case the by-law submitted be approved of and carried in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting the municipal council which submitted the same shall read the said by-law a third time and pass the same. Council to pass by-law if assented to.

**44.** Within one month after the passing of such by-law the said council, mayor, warden, reeve or other officers thereof, shall issue or dispose of the debentures provided for by the by-law, and deliver the same, duly executed, to the trustees appointed, or to be appointed, under this Act. Issue of debentures.

**45.** In case any such loan, guarantee or bonus be so granted by a portion of a township municipality, the rate to be levied for payment of the debentures issued therefor and the interest thereon, shall be assessed and levied upon such portion only of said municipality. Aid from portion of township.

**46.** The provisions of *The Municipal Act* and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion Application of Rev. Stat. c. 223, to bonus by-law

tion of a township municipality to the same extent as if the same had been passed by or for the whole municipality.

By-law extending time for commencement.

47. The councils for all corporations that may grant aid by way of bonus to the company may, by resolution or by-law, extend the time for the commencement of the work, beyond that stipulated for in the by-law or by-laws granting such aid, from time to time ; provided that no such extension shall be for a longer period than one year.

By-law extending time for completion.

48. It shall and may be lawful for the council of any municipality that may grant aid by way of bonus to the company, by resolution or by-law, to extend the time for the completion of the works (on the completion of which the said company would be entitled to said bonus), from time to time, provided that no such extension shall be for a longer period than one year at a time.

Bonus may increase rate to three cents.

49. Any municipality, or portion of a township municipality, interested in the construction of the railway of the company, may grant aid by way of bonus to the company towards the construction of such railway notwithstanding that such aid may increase the municipal taxation of such municipality, or portion thereof, beyond what is allowed by law ; provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes, exclusive of school rates, than three cents in the dollar upon the value of the rateable property therein.

By-laws exempting from municipal taxation.

50. It shall be lawful for the corporation of any municipality through any part of which the railway of the company passes, or in which it is situated, by by-law especially passed for that purpose, to exempt the railway and its property within such municipality, either in whole or in part from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise in gross, by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein.

Grant of land from municipalities.

51. Any municipality through which the said railway may pass or is situate is empowered to grant by way of gift to the company any lands belonging to such municipality, or over which it may have control, which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway ; and the said railway company shall have power to accept gifts of land from any government or any person or body corporate or politic, and shall

shall have power to sell or otherwise dispose of the same for the benefit of the company.

**52.** Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall within six months after the passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario; provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council, and in case any trustee dies or resigns his trust, or goes to live out of the Province of Ontario, or otherwise becomes incapable of acting, his trusteeship shall become vacant and a new trustee may be appointed by the Lieutenant-Governor in Council.

Trustees of  
municipality  
debentures.

**53.** The said trustees shall receive the said debentures or bonds in trust, firstly, under the directions of the company, but subject to the conditions of the by-laws in relation thereto as to time or manner, to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or amount realized from the sale in some chartered bank having an office in the Province of Ontario in the name of "The Lac Seul, Rat Portage and Keewatin Railway Municipal Trust Account," and to pay the same out to the company from time to time as the company becomes entitled thereto, under the conditions of the by-law granting the said bonus, and on the certificate of the chief engineer of the said railway for the time being, in the form set out in Schedule B, hereto or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payment or delivery of debentures, and such engineer shall not wrongfully grant any such certificate under a penalty of \$500, recoverable in any court of competent jurisdiction by any person who may sue therefor.

Trusts of  
debentures.

**54.** The trustees shall be entitled to their reasonable fees and charges from the said trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had agreed.

Fees of  
trustees



Collecting  
back charges  
on goods.

**55.** The company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges, and without any formal transfer, shall have the same lien for the amount thereof upon such goods and commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

Application of  
Rev. Stat.  
c. 207.

**56.** Save as expressly provided by this Act the provisions of *The Electric Railway Act* shall not apply to the company hereby incorporated, but the several clauses of *The Railway Act of Ontario*, and of every act in amendment thereof, shall be incorporated with and be deemed to be part of this Act, and shall apply to the said company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein, shall be understood to include the clauses of the said Railway Act and of every Act in amendment thereof so incorporated with this Act.

Time for  
commence-  
ment and  
completion.

**57.** The railway hereby authorized shall be commenced within three years and finished and put in operation within seven years after the passing of this Act, and in default thereof the powers hereby conferred shall absolutely cease with respect to so much of the railway as then remains incomplete.

Limitation of  
transmission  
of electrical  
energy.

**58.** Notwithstanding anything contained in this Act, or in any statute of the Province, no municipality shall have the power to grant to said railway any exclusive rights, privileges or franchise as to the transmission of electrical energy for power, light and heat over or across any public highway or street in said municipality.

## SCHEDULE A.

(Section 29.)

Know all men by these presents that I (or we) (insert the name or names of the vendor or vendors) in consideration of dollars paid to me (or us) by The Lac Seul, Rat Portage and Keewatin Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (or we) (insert the name or names of any other party or parties) in consideration of dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels as the case may be) of land (describe the land) the same having been selected and laid out by the said company for the purposes of its railway, to hold with the appurtenances unto the said The Lac Seul, Rat Portage and Keewatin Railway, Com-  
pany,

pany, their successors and assigns forever (*here insert any other clauses, covenants and conditions required*) and I (or we) the wife (or wives) of the said do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal (or hands and seals) this  
day of one thousand nine hundred and

Signed sealed and Delivered,  
in the presence of,

[ L.S.

## SCHEDULE. B.

(Section 53.)

### CHIEF ENGINEER'S CERTIFICATE.

The Lac Seul, Rat Portage and Keewatin Railway Company's Office.

No.

Engineer's Department.

A. D. 190 .

Certificates to be attached to cheques drawn on The Lac Seul, Rat Portage and Keewatin Railway Company Municipal Trust Account given under section 53 chapter 102 of the Acts of the Legislature of Ontario, passed in the third year of His Majesty's reign.

I, chief engineer of The Lac Seul, Rat Portage and Keewatin Railway Company, do hereby certify that that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law No. of the Township of (or under the agreement dated the day of 19 between the corporation of and the said company) to entitle the said company to receive from the said trust the sum of (here set out the terms and condition, if any, which have been fulfilled).

## CHAPTER 103.

## An Act respecting The Lambton Central Electric Railway Company.

*Assented to 12th June, 1903.*

## Preamble.

WHEREAS the Lambton Central Electric Railway Company was incorporated by an Act of the Ontario Legislature passed in the second year of the Reign of His Majesty chaptered 81, with the powers therein set forth and was authorized and empowered to construct, equip, maintain and operate an electric railway with the necessary side-tracks, switches and turn-outs for the passage of cars, carriages and other vehicles adapted to the same upon and along such of the streets and highways from a point in or near the Town of Sarnia in the County of Lambton, thence in a south-easterly direction through the Townships of Sarnia, Moore and Enniskillen in said County, to and through the Town of Petrolea in said County or to a point adjacent thereto, thence continuing through the said Township of Enniskillen to and through the Village of Oil Springs in said County and south-easterly through the Townships of Dawn and Euphemia in said County to the Village of Florence, and with power to build and operate a branch line from a point on the main line in the Township of Dawn and thence through the Township of Camden in the County of Kent, to and through the Town of Dresden in the said County of Kent; and whereas the Lambton Central Electric Railway Company have by their petition, supported by the petition of the several municipalities whose by-laws are hereinafter referred to, prayed for an Act confirming the following by-laws and agreements made in pursuance thereof, as follows, namely :—

1. By-law No. 57½ C. of the Corporation of the Township of Sarnia, passed on the 13th day of October, 1902, and the agreement made in pursuance thereof;

2. By-law No. 8 of 1902, of the Corporation of the Township of Dawn passed on the 16th day of August, 1902, and the agreement made in pursuance thereof;

3. By-law No. 6 of 1902, of the Corporation of the Township of Enniskillen passed on the 23rd day of August, 1902, and the agreement made in pursuance thereof;

4. By-law No. 7 of 1902, of the Corporation of the Township of Camden passed the 6th day of October, 1902, and the agreement made in pursuance thereof;



5. By-law 292 of the Corporation of the Town of Dresden passed on the 15th day of December, 1902, and the agreement made in pursuance thereof ;

6. By-law No. 2 of 1903, of the Corporation of the Village of Oil Springs passed on the 5th day of March, 1903, and the agreement made in pursuance thereof ;

And whereas it is expedient to grant the prayer of the said petitions ;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Subject to the provisions hereinafter contained the agreements and by-laws referred to in the preamble to this Act and set out in Schedules A, B, C, D, E and F to this Act are declared to be valid and legal and to be binding upon the parties thereto, so far as the same are not inconsistent with the provisions of this Act, and *The Electric Railway Act*.

Certain agreements and by-laws declared valid and binding.

Rev. Stat. c. 209.

2. Notwithstanding anything in the said agreements, or by-laws, or any of them contained the Company shall not operate its railway by steam or by any other power than electricity along any highway in any of the said municipalities for any purpose whatsoever, nor shall the Company run or operate cars upon the Lord's Day for any purpose whatsoever, and Section 136 of *The Electric Railway Act* shall apply to the Company.

Company not to use steam or operate on Lord's Day.

3. The rights and privileges granted to the Company by the said by-law No. 6, of 1902, of the Township of Enniskillen and by the said by-law No. 7, of 1902, of the Township of Camden shall in each case extend for a period of thirty years from date of acceptance by the Company and shall be renewable for a further period of twenty years upon such terms and conditions as may be agreed upon between the municipal corporation and the Company, or in case of disagreement upon such terms and conditions as may be determined by arbitration under the provisions of *The Municipal Act*.

Municipal franchises, duration of.

Rev. Stat. c. 223.

4. No exemption from taxation granted by any of the by-laws referred to in section 1 of this Act shall continue beyond the period of twenty-one years from the passing of the by-law granting such exemption, nor shall the Company have any right or claim to any renewal of such exemption for any further period.

Exemptions from taxation not to be for more than 21 years.

## SCHEDULE A.

Articles of Agreement made this twenty-fourth day of October in the year of our Lord one thousand nine hundred and two, between The Corporation of the Township of Sarnia (hereinafter called the Corporation) of the first part; and The Lambton Central Electric Railway Company (hereinafter called the Company) of the second part.

Whereas by an Act of the Legislature of the Province of Ontario passed on the seventeenth day of March, A.D. 1902, entitled *An Act to Incorporate the Lambton Central Electric Railway Company*, the said Company is authorized and empowered to construct and operate a railway through the Township of Sarnia, subject to any agreement to be made between the Council of the said Township of Sarnia and the Company and under and subject to any By-law of the Corporation;

And whereas the Council of the said Corporation on the 13th day of October in the year of our Lord one thousand nine hundred and two passed a By-law numbered 57 $\frac{1}{2}$  C. granting to the Company certain rights for the construction and maintenance and operation of an Electric Railway upon and along certain highways of the said Township of Sarnia and upon and subject to the terms, conditions, agreements, stipulations, regulations, obligations, provisions and things therein contained, a copy of which By-law is hereunto annexed.

And whereas these presents are intended to give effect to said By-law, and the same have been approved of by the Solicitor acting on behalf of the Corporation.

Now these presents witnesseth, that in consideration of the granting of the rights and privileges which are by the said By-law granted by the Corporation to the Company, the Company do for themselves their successors and assigns, covenant, promise and agree to and with the Corporation and their successors in manner following, that is to say:—

That the Company do hereby accept the said By-law, and that the Company, their successors and assigns will in all things conform to obey, perform, observe, fulfil and keep all and every the terms, conditions, agreements, stipulations, regulations, obligations, provisions and things in said By-law contained, upon under and subject to which the said rights and privileges are by the said By-law granted to the Company, and will do and perform all acts, matters and things which the said By-law provides are to be done, by or on behalf of the Company, and will not do anything which the said By-law provides is not to be done by the Company.

And the Corporation hereby do ratify and confirm the said By-law and the rights and privileges hereby granted to the Company; subject however to all the terms, conditions, agreements, stipulations, regulations, obligations, provisions and things in the By-law contained.

In witness whereof the Corporation have caused to be affixed the Corporate Seal and the Reeve and Clerk have set their hands, and the Com-

pany

pany have caused to be affixed their Corporate Seal and their President and Secretary have set their hands the day and year first above written.

Signed, Sealed and Delivered } (Signed) W. B. COLLINS, President.  
in presence of }

[Seal]

(Signed) F. J. WINLOW, Secretary.

Witness as to the signature of W. B. Collins and F. J. Winlow.

(Signed) MAGGIE LOWRIE, Clerk.

(Signed) GEO. COLE, Reeve.

[Seal]

#### BY-LAW No. 57 $\frac{1}{2}$ C.

A By-law to authorize and empower "The Lambton Central Electric Railway Company" to locate and operate a single iron or steel railway for the passage of cars, carriages and other vehicles adapted to the same upon and along certain streets and highways in the Township of Sarnia, and to declare and prescribe the terms and conditions on which its railways may be constructed, maintained and operated.

Whereas "The Lambton Central Electric Railway Company" (hereinafter called the Company) have made application to the Municipal Council of the Corporation of the Township of Sarnia, for the right and privilege of constructing, maintaining, completing and operating and from time to time removing and changing as required, a single iron or steel railway with the necessary side-tracks and turnouts for the passage of cars, carriages and other vehicles adapted to the same over, upon and along those portions of the streets and highways in the Township of Sarnia hereinafter set forth ;

And whereas it is deemed expedient to grant such privilege ;

Be it therefore enacted by the Municipal Council of the Corporation of the Township of Sarnia :—

1. That the said "The Lambton Central Electric Railway Company," its successors and assigns shall, subject to the conditions, limitations and provisions hereinafter contained, have the right and privilege in so far as the Council has the power to grant the same, of constructing, maintaining, completing and operating, and from time to time removing and changing as required a single iron or steel railway, with the necessary side-tracks and turnouts for the passage of cars, carriages and other vehicles adapted to the same upon and along those portions of the streets or roads in the Township of Sarnia :—namely :—

(b) The road allowance between the Second and Third Concessions from its intersection with the North Easterly limit of the Sarnia and Florence Plank Road to the easterly limit of the road allowance between Three and Four side road and also the road allowance on three and four side road

from



from the second and third concession line to the Townline between Sarnia and Moore and also as far as the Corporation has right or jurisdiction to grant the same. The road allowance between the Townships of Sarnia and Moore from the westerly limit of the road allowance between lots Three and Four to the Township of Enniskillen.

(a) The Sarnia and Florence Plank Road from its intersection with the east limit of the Town of Sarnia throughout its entire length within the Township of Sarnia to the extent the Township has jurisdiction or rights over or concerning the same and together with all such parts or portions of any and every side road and concession line which forms part of the said Plank Road within the Township.

(c) Or at the option of the Company to be exercised on or before the time limited herein for commencing the construction of the said Railway the road allowance between the first Concession and the Township of Moore so far and to the extent to which the Township of Sarnia has control or jurisdiction over the same and from its intersection with the north easterly limit of the Sarnia and Florence Plank Road to the Easterly limit of the Township of Sarnia.

2. Such railway shall consist of a single track with all necessary switches, sidetracks and turnouts laid down as required by law, and shall be laid down in such position on such highway and in such manner as shall be approved of by the Township Council, but in no case except where crossing the Highway shall the track be laid in the graded portion of the highway or between the ditches, but shall be laid on the side of the road and at such distance from the travelled portion thereof as shall be approved by the Township Council, and in no case shall the Corporation be bound to furnish a right of way on their highway.

3. The location of the line of railway in the said streets or highways shall not be made until the plans thereof showing the position of the rails and other works on said streets or highways have been submitted to and approved of by the Township Council.

4. The rails to be used shall be the standard "T" rail and shall be laid down as hereinafter provided and in such a manner as shall least obstruct the passage of vehicles and carriages over the same.

5. The gauge of the said railway shall be four feet and eight and one-half inches.

6. The tracks of the said railway and all works necessary for constructing and laying the same shall be constructed in a substantial manner according to the best modern practice. During the operation of laying, removing or relaying the rails, a free passage for carriages and vehicles over the streets and highways shall be open and not obstructed and immediately after the rails shall have been laid or re-laid, as the case may be, the material removed or dug up in the laying or re-laying as aforesaid shall be either removed from or spread over the street or highway from which the same shall have been taken as shall be directed by the township council or such person as they may depute.

7. Space between the rails of the said railway and the roadway to a distance of eighteen inches on both sides thereof, shall be kept in a good state of repair, and where the said road shall be constructed on the travelled highway or where it shall cross the travelled highway it shall be constructed and maintained even with the grade of the travelled highway and to the satisfaction of the said municipal Council, and the said Company shall also be bound to construct and keep in repair crossings of a character approved of by the said Municipality and shall be planked between the rails and for one foot on each side thereof, which planks shall be kept one-half inch higher than the rails, and wherever farm crossings, bridges, culverts or water ways including drains of all kinds, are found by the Municipal Council to be necessary for drainage or other purposes the same shall be constructed and maintained by the said Company at

such

such places and in such a manner to be approved of by the said Municipal Council, but in case of tile drains the owner of the adjoining lands shall pay the Company such sum as it would have cost to have put in the drain across the Railroad had such railroad not been there, and every owner of adjacent land whether as now or hereafter sub-divided shall be entitled to a farm crossing over the Company's road.

8. The cars upon the said railway shall be of modern type propelled by electricity, or with the consent of the said corporation expressed by By-law any other motive power except steam which is or may become suitable for railway purposes; provided, however, that in the event of the freight business of the Company increasing to such an extent as to render the handling of freight cars by electricity impracticable the said Company shall have the privilege of hauling said freight cars by means of dummy engines with steam as a motive power, and in the event of said dummy engines being used the same shall only be operated between 11 o'clock in the evening and six o'clock in the morning; provided also that the said Company shall have the privilege of using steam as a motive power for construction purposes during the construction of the said railway and all motor cars shall be provided with fenders of a modern and up-to-date type.

9. The said Company shall commence the construction of the said railway not later than two years from the date of the agreement hereinafter referred to and shall complete the same by December 31st, 1905.

10. Suitable bridges and crossings of a character satisfactory to the Council shall be constructed and kept in good repair by the Company at all highways and farm crossings. All necessary poles shall be located next to the fence nearest the track, except in case of switches and where passing through Villages double poles may be used and wires and overhead construction shall not be less than 18 feet above the rails.

11. The fares to be charged by the said Company shall not exceed a rate per mile of two cents for each person, but all children under five years of age when accompanied by parent or other person having them in charge, and not occupying a seat, shall be carried free, but the Company shall not be bound to carry any passenger any distance for less than five cents, except children as aforesaid, and between the hours of eleven o'clock in the evening and six o'clock in the morning the Company shall have the right to charge double the said fare.

12. Whenever it shall become necessary to remove snow or ice from the track or tracks of the said Company the same shall be by the said Company evenly spread over the highway so as not to obstruct the free passage of sleighs or other vehicles along the said highways, or else removed by the said Company as shall be directed by the proper officer of the said Corporation.

13. Whenever by reason of snow or ice, the tracks of the said Company shall be obstructed to such an extent as to interfere with the running of the cars of the said Company, the said Company is authorized to use a sufficient number of sleighs, wagons or other vehicles to answer the requirements of traffic until such time as the said cars can be again used, and the said Company can charge fares for carriage on the said sleighs, wagons or other vehicles as if the same were cars of the said Company and being run on the track of the said Company.

14. The number of trips shall not be less than four each way daily unless prevented by unavoidable accident or obstructions caused by storms or other causes beyond the control of the said Company.

15. The rate of speed of the cars run through the said Township shall not be restricted to less than ten miles per hour, but where passing through villages the rate of speed shall not exceed twelve miles per hour.

16. No cars shall be allowed to stop in front of an intersecting highway except to avoid collision or to prevent injury to persons on the highways, or for other unavoidable reasons.

17. After sunset the cars shall be provided with colored signal lights for the front and rear, and there shall be a guard or conductor on every car.

18. The cars shall be entitled to the track and every vehicle upon the track of the Company shall turn out when any car comes within twenty rods of any such vehicle so as to leave the track unobstructed, and any such driver of a vehicle refusing to so turn out, or when warned or requested to do so by the driver of any car, shall be liable to a fine not exceeding ten dollars exclusive of costs, to be imposed by any Justice of the Peace for the County of Lambton, having jurisdiction in the said Township, and in case of non-payment, to be collected by the distress and sale of goods of the offender, and in default of sufficient distress, the offender may be imprisoned in the County jail for the County of Lambton for a period not exceeding twenty-one days, with or without hard labor,

19. The railway of the said Company shall cross the channels of all the creeks and streams which intersect the said railway crossing any of the roads mentioned in section I of this By-law, on separate bridges of their own construction and in no event shall the said Company lay their tracks on the public highway, bridges or culverts across those streams or any other creek or stream.

20. The said Railway shall be constructed, erected, laid down and arranged as to impede or incommode the public use of any street or highway or public place as little as possible, and so as not to be a nuisance thereto, nor to interfere with the free access to any house or other building erected in the vicinity of the same, nor to endanger the same.

21. Where it is necessary in constructing their railway for the boundary fences to be set back so that the Company's track shall not interfere with the travelled portion of the highway, the Company shall deal with the owners of the adjacent land.

22. The rights and privileges granted by this by-law shall extend over a period of thirty years from the date of acceptance of the said Company and shall be renewable for a further period of twenty years upon such terms and conditions as may be agreed upon between the said Corporation and the said Company or in case of disagreement between the said parties upon such terms and conditions as may be determined by arbitration under the provisions of *The Municipal Act*; and in the event of legislation being sought to legalize and authorize such renewal or renewals for such further term of years the said Corporation shall at once upon request being made by the said Company aid in procuring such legislation provided the terms and conditions upon which said renewal is asked for are satisfactory to such Corporation.

23. All the property of the Company used in connection with the construction and operation of the railway and other objects covered by this by-law and appertaining thereto, and the income derived therefrom by the Company shall be exempt from taxation and from all local improvements, rates and charges for a period of twenty-one years from the final passing hereof, and as far as the said Township of Sarnia has the power to grant or to recommend the same, such exemption may continue and be for the further period of ten years, and the said Township may consent to any necessary legislation in that behalf; provided however that this exemption shall not apply to school rates.

24. The Company shall have the right to carry freight, express or mail matter within or through the said Municipality and charge a reasonable compensation for carrying the same. In the event of the said Company seeing fit to run cars for carrying milk the said cars may be operated on Sundays for the purpose and a reasonable compensation charged for carrying the said milk.



25. So far as the Municipal Council has power to grant the same, the said Company may deflect its line from the said streets, roads and highways and operate the same along and across private properties after appropriating the necessary rights of way under the provisions of the Statutes in that behalf, or otherwise acquiring the same.

26. Where the said Company shall operate their line along a private right of way and the said railway crosses any highway intersecting the said private right of way or any of the said highways referred to in subsections of Clause 1 of this By-law, the privileges and exemptions hereby granted by this by-law shall extend and be applicable to such crossings of said intersecting highways.

27. The Company shall have the right to lease its works or any part thereof or otherwise dispose of the same and also the rights and privileges hereby granted to any person or Corporation, but subject to the provisions of this By-law.

28. The Municipality shall join with the Company in any petition or application which the Company may make to obtain the privilege of crossing the railway track of any steam railway which it may be necessary for the Company to cross under the provisions of this By-law; but the Corporation shall not be required or compelled to incur any expense therewith and the Company shall pay the costs of the Corporation if any.

29. All provisions of this By-law (if any) which are beyond the jurisdiction of the said Corporation to enact shall not operate or come into force until the same is sanctioned, ratified and confirmed by the Legislature of the Province of Ontario.

30. The Corporation shall join with the Company in applying to the Legislature of the Province of Ontario for Legislation confirming, ratifying and legalizing this By-law, and the agreement to be entered into between the Corporation and the Company pursuant thereto, but the Company shall pay all the costs of such legislation, including the costs of the Corporation (if any).

31. This By-law and the powers and privileges hereby granted shall not take effect or be binding on the said Corporation unless and until formally accepted by the said Company within sixty days after the final passing of this By-law by an agreement that shall legally bind the said Company to observe and comply with all agreements, obligations, terms and conditions herein contained and which agreement shall be approved by the Township Solicitor and executed by the Company and under the seal of the said Corporation by the Reeve and Clerk.

32. The Corporation shall not be liable to the Company for any encroachment of ditches or drains, upon, towards or under the tracks of the Company, and the Corporation shall have the right to require the tracks to be located at such distance from said drains and ditches as it may appear necessary to the said Corporation to have the same in order that such tracks may not interfere with such drains or ditches.

33. If any person, persons or Corporation shall desire to remove any building or buildings or other large substances across or along the track of the Railway where the same is situated upon the travelled highway they shall have the right to do so and have a reasonable time therefor, provided that the said person, persons or Corporation shall give the Company two days' notice of their intention to remove such building or buildings or any other large substance, and the Company's wires and overhead construction shall be removed at the expense of the Company. The said person, persons or Corporation desirous of crossing the railway track shall give to the Company two days' notice of the time and place where and when they desire to cross and if such person or persons or Corporation is not ready at such time and place they shall then pay to the Company its costs occasioned by such delay.

34. The rights, privileges and franchises granted by this By-law shall be subject to all conditions, provisions and stipulations contained in this By-law and subject also to the provisions contained in *The Electric Railway Act* and every Act in amendment thereof or in substitution thereof but, where the provisions of said Acts and this By-law are dissimilar then the provisions of this By-law shall govern.

35. Should the Company fail to complete the said Railway or to commence operating the same within the time limited by this By-law or should the said Company, after completion, fail to continue to operate the same or to comply with the provisions of this By-law contained for the space of three months after written notice of such neglect or default shall have been served on the Company then the said persons and Company shall forfeit all privileges and rights they have acquired by said grant or under this By-law and the Corporation shall have the right to remove all materials and obstructions from the highway at the expense of the Company.

36. The Company shall indemnify and hold harmless the said Corporation from all loss, costs, damages and expenses of any kind which may be incurred in consequence of any litigations in connection with anything done or permitted under the provision of this By-law or in consequence of the construction or operation or existence of the Company's railway or other works.

37. The franchise by this By-law granted is subject to the right of the Corporation to grant to other Companies the right to cross with their Railways the tracks of the Company at such places as to the said Corporation may appear necessary or advisable, but such crossings are to be put in at the expense of the Company applying for the same and this franchise is granted subject to all existing rights in any person, persons or Corporation or Company whatsoever outstanding against the Township.

M. LOWRIE,  
Clerk

[ Seal ]

GEORGE COLE,  
Reeve.

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## SCHEDULE B.

Articles of Agreement, made this sixteenth day of September, in the year of our Lord one thousand nine hundred and two, between The Corporation of the Township of Dawn (hereinafter called the Corporation) of the first part; and The Lambton Central Electric Railway Company (hereinafter called the Company) of the second part.

Whereas by an Act of the Legislature of the Province of Ontario passed on the seventeenth day of March, A.D. 1902, entitled *An Act to incorporate the Lambton Central Electric Railway Company*, the said Company is authorized and empowered to construct and operate a railway through the Township of Dawn subject to any agreement to be made between the Council of the said Township of Dawn and the Company and under and subject to any by-law of the Corporation;

And whereas the Council of the said Corporation on the 16th day of August, in the year of our Lord one thousand nine hundred and two, passed a By-law numbered 8 of 1902, granting to the Company certain rights for the construction and maintenance and operation of an electric railway upon and along certain highways of the said Township of Dawn, upon and subject to the terms, conditions, agreements, stipulations, regulations, obligations, provisions, and things therein contained, a copy of which said By-law is hereunto annexed;

And

And whereas these presents are intended to give effect to said by-law and the same have been approved of by the solicitor acting on behalf of the Corporation ;

Now these presents witnesseth, that in consideration of the granting of the rights and privileges which are by the said by-law granted by the Corporation to the Company, the Company, do, for themselves their successors and assigns, covenant, promise, and agree to and with the Corporation and their successors in manner following, that is to say :—

That the Company do hereby accept the said by-law, and that the Company, their successors and assigns will in all things conform to, obey, perform, observe, fulfil, and keep all and every the terms, conditions, agreements, stipulations, regulations, obligations, provisions, and things in said by-law contained, upon, under, and subject to which the said rights and privileges are by the said by-law granted to the Company, and will do and perform all acts, matters, and things which the said by-law provides are to be done by or on behalf of the Company, and will not do anything which the said by-law provides is not to be done by the Company.

And the Corporation do hereby ratify and confirm the said by-law and the rights and privileges hereby granted to the Company ; subject, however, to all the terms, conditions, agreements, stipulations, regulations, obligations, provisions, and things in the said by-law contained.

In witness whereof the Corporation have caused to be affixed the Corporate Seal, and the Reeve and Clerk have set their hands, and the Company have caused to be affixed their Corporate Seal, and their President and Secretary have set their hands the day and year first above written.

Signed, Sealed and Delivered in presence of	}	Sgd.	W. B. COLLINS, President.
		Sgd.	F. J. WINLOW, Secretary.
		[Seal of the Lambton Central Electric Railway Company.]	
		Sgd.	JOHN McNAB, Reeve.
		Sgd.	J. M. WEBSTER, Clerk.
		[Seal of the Corporation of the Township of Dawn.]	

#### *By-law No. 8, 1902.*

A By-Law to authorize and empower "The Lambton Central Electric Railway Company" to locate and operate a single iron or steel railway for the passage of cars, carriages and other vehicles adapted to the same, upon and along certain streets and highways in the Township of Dawn, and to declare and prescribe the terms and conditions on which its railway may be constructed, maintained and operated.

Whereas The Lambton Central Electric Railway Company (hereinafter called the Company) have made application to the Municipal Council of the Corporation of the Township of Dawn, for the right and privilege of constructing, maintaining completing and operating, and from time to time removing and changing as required, a single iron or steel railway with the necessary sidetracks and turn-outs for the passage of cars, carriages, and other vehicles adapted to the same, over, upon and along those portions of the streets and highways in the Township of Dawn hereinafter set forth :

And whereas it is deemed expedient to grant such privilege ;

Be it therefore enacted by the Municipal Council of the Corporation of the Township of Dawn :

1. That the said "The Lambton Central Electric Railway Company," its successors and assigns, shall, subject to the conditions, limitations and provisions hereinafter contained, have the right and privilege in so far as  
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the Council has power to grant the same, of constructing, maintaining, completing and operating and from time to time removing and changing as required a single iron or steel railway, with the necessary side-tracks, and turn-outs for the passage of cars, carriages and other vehicles adapted to the same upon and along those portions of the streets or roads in the Township of Dawn, namely, —

(a) The original allowance for a road between the Seventh and Eighth Concessions from its intersection with the southerly limit of the Township of Enniskillen to its intersection with the southerly limit of the Fifteenth and Sixteenth Sideroad in the Township of Dawn.

(b) That portion of the original allowance for a road between the Townships of Enniskillen and Dawn commencing at the sideroad between lots Numbers Fifteen and Sixteen in the said Township of Enniskillen, thence easterly along said original allowance for a road between concessions Seven and Eight aforesaid.

(c) The sideroad between lots Numbers Fifteen and Sixteen from the westerly limit of the original allowance for a road between concessions four and five, thence easterly to the westerly limit of the Township of Euphemia.

(d) The original allowance for a road between Concessions Four and Five from its intersection with the northerly limit of the road between lots Numbers Fifteen and Sixteen aforesaid to its intersection with the northerly limit of the Township of Camden aforesaid.

(e) The original allowance for a road between Concessions five and six from its intersection with the northerly limit of the road between lots Numbers Fifteen and Sixteen aforesaid to its intersection with the northerly limit of the Township of Camden aforesaid.

(f) That portion of the original allowance for a road between the Townships of Camden and Dawn, commencing at the easterly limit of the allowance for a road between Concessions Five and Six aforesaid, thence westerly along said original allowance for a road to the westerly limit of the original allowance for a road between Concessions Four and Five aforesaid.

2. Such railway shall consist of a single track with all necessary switches, side-tracks and turn-outs, laid down as required by law, and shall be laid down in such position on such highway and in such manner as shall be approved of by the Township Council, but in no case except as hereinafter provided on the allowance for road between the Fourth and Fifth Concessions of the Township of Dawn, and except where crossing the highway shall the track be laid in the graded portion of the highway or between the ditches, but shall be laid on the side of the road and at such distance from the travelled portion thereof as shall be approved by the Township Council.

3. The location of the line of railway in the said Streets or highways shall not be made until the plans thereof showing the position of the rails and other works on said streets or highways shall have been submitted to and approved of by the Township Council.

4. Such railway shall be laid down upon that portion of road referred to in clause "D" of paragraph one of this By-law, on the graded portion of the highway immediately to the west of the ditch running along the eastern side of such highway, but shall not in any event be laid down upon the west side of such road either upon the allowance for road or upon the lands of private owners adjacent thereto, and in the event of the said railroad being laid on the graded portion of the said highway as hereinbefore provided, then the said Company shall acquire from the lands of private owners adjacent to the said original road allowance on the west side thereof, a strip of land equal in width to that portion of the graded highway occupied by the said Company for laying such railway, and shall before such Railway is laid on any part of said portion of road, convey the said strip of land so acquired to the township to be used in

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lieu of that portion of the graded highway so occupied by the said Company for laying such railroad and such strip of land so acquired and conveyed shall extend along the whole distance in which the said railroad is laid on the graded portion of the highway as hereinbefore provided, and the strip of land so conveyed to the Township shall be graded by the Company in such manner as to form with the original road allowance, a graded highway in all respects equal to the highway existing on said road allowance at, or immediately previous to the time such railroad is laid.

5. The rails to be used shall be the standard "T" rail and shall be laid down in such manner as shall least obstruct the passage of vehicles and carriages.

6. The gauge of the said railway shall be four feet and eight and one-half inches.

7. The tracks of the said railway and all works necessary for constructing and laying the same, shall be constructed in a substantial manner according to the best modern practice.

During the operation of laying, removing and relaying the rails, a free passage for carriages and vehicles over the Streets and highways shall be kept open and not obstructed and immediately after the rails shall have been laid or re-laid, as the case may be, the material removed or dug up in laying or relaying as aforesaid, shall be either removed from or spread over the Street or highway from which the same shall have been taken as shall be directed by the Township Council or such person as they may depute.

8. Space between the rails of the said railway and the roadway to a distance of eighteen inches on both sides thereof shall be kept in a good state of repair and where the said road shall be constructed on the travelled or graded portion of the highway or where it shall cross the travelled highway it shall be constructed and maintained even with the grade of the highway and to the satisfaction of the said Municipal Council and the said Company shall also be bound to construct and keep in repair crossings of a character provided by the said Municipality, and shall be planked between the rails and for one foot on each side thereof, which planks shall be kept one-half inch higher than the rails, and wherever farm crossings, bridges, culverts or waterways, including drains of all kinds, are found by the Municipal Council to be necessary for drainage or other purposes, the same shall be constructed by the said Company in a manner to be approved of by the said Municipal Council, but in case of tile drains the owner of the adjoining lands shall pay the Company such sum as it would have cost to have put in the drain across the railroad had such railroad not been there and every owner of adjacent lands whether as now or hereafter subdivided shall be entitled to a farm crossing over the Company's road.

9. The cars upon the said railway shall be of modern type propelled by electricity, or with the consent of the said Corporation expressed by By-law any other motive power except steam, which is or may become suitable for railway purposes; provided, however, that in the event of the freight business of the Company increasing to such an extent as to render the handling of freight cars by electricity impracticable, the said Company shall have the privilege of hauling said freight cars by means of dummy engines with steam as a motive power, and in the event of said dummy engines being used the same shall only be operated between eleven o'clock in the evening and six o'clock in the morning; provided, also that the said Company shall have the privilege of using steam as a motive power for construction purposes, during the construction of the said railway, and all motor cars shall be provided with fenders of a modern and up to date type.

10. The said Company shall commence the construction of the said railway not later than two years from the date hereof and shall complete the same by December 31st, 1905, except in case of delays by strikes,

legal or other proceedings beyond their control, in which event the time in which the said Company is delayed shall be allowed upon the time hereinafter specified ; provided, however, that the time for the completion of certain sections of the said railway may be extended by the Corporation upon good cause for such extension being shown, but in no case shall such extension exceed one year.

11. Suitable bridges and crossings of a character satisfactory to the Council shall be constructed and kept in good repair by the Company at all highways and farm crossings. All necessary poles shall be located next to the fence line of the said road and between the said railway and the fence nearest the track, except in cases of switches and where passing through villages double poles may be used and the wires and overhead construction shall not be less than eighteen feet above the rails.

12. The fares to be charged by the said Company shall not exceed a rate per mile of two cents for each person, but all children under five years of age, when accompanied by parent or other persons having them in charge, shall be carried free, but the Company shall not be bound to carry any passenger any distance for less than five cents, except children as aforesaid ; and between the hours of eleven o'clock in the evening and six o'clock in the morning the Company shall have the right to charge double the said fare.

13. Whenever it shall become necessary to remove snow or ice from the track or tracks of the said Company the same shall be by the said Company evenly spread over the highway so as to not obstruct the free passage of sleighs or other vehicles along the said highways, or else removed by the said Company, as shall be directed by the proper officer of the said Corporation.

14. Whenever by reason of snow or ice the tracks of the said Company shall be obstructed to such an extent as to interfere with the running of the cars of the said Company, the said Company is authorized to use a sufficient number of sleighs or other vehicles to answer the requirements of traffic until such time as the said cars can be again used, and the said Company can charge fares for carriage on the said sleighs, waggons or other vehicles as if the same were cars of the said Company, and being run on the track of the said Company.

15. The number of trips shall not be less than four each way daily unless prevented by unavoidable accident or obstructions caused by storm or other causes beyond the control of the said Company.

16. The rate of speed of the cars run through the said Township shall not be restricted to less than twelve miles per hour, and shall not be run at a slower rate than ten miles per hour, but where passing through villages the rate of speed shall not exceed twelve miles per hour.

17. No cars shall be allowed to stop in front of an intersecting highway except to avoid collision or to prevent injury to persons on the highways or for other unavoidable reason.

18. After sunset the cars shall be provided with colored signal lights for the front and rear.

19. The cars shall be entitled to the track, and every vehicle upon the track of the Company shall turn out when any car comes up so as to leave the track unobstructed, and any driver of a vehicle refusing to so turn out, or when warned or requested to do so by the driver of any car, shall be liable to a fine not exceeding Ten Dollars, exclusive of costs, to be imposed by any Justice of the Peace for the County of Lambton having jurisdiction in the said Township, and in case of non-payment to be collected by the distress and sale of goods of the offender, and in default of sufficient distress the offender may be imprisoned in the County Jail for the said County of Lambton for a period not exceeding twenty-one days, with or without hard labor.



20. The railway of the said Company shall cross the channels of all the creeks and streams which intersect the said railway crossing any of the roads mentioned in section 1 of this By-law on separate bridges of their own construction and in no event shall the said Company lay their track on the public highway, bridges, or culverts across those streams or any other creek or stream.

21. The said railway shall be constructed, erected, laid down and arranged so as to impede or incommode the public use of any Street or highway or public place as little as possible and so as not to be a nuisance thereto, not to interfere with the free access to any house or other building erected in the vicinity of the same, nor to endanger the same.

22. Where it is necessary in constructing their railway for the boundary fences to be set back so that the Company's track shall not interfere with the travelled portion of the highway the Company shall deal with the owners of the adjacent land.

23. The rights and privileges granted by this By-law shall extend for a period of thirty years from the date of its acceptance by the said Company, and shall be renewable for the further period of twenty years upon such terms and conditions as may be agreed upon between the said Corporation and the said Company, or in case of disagreement between the said parties, upon such terms and conditions as may be determined by arbitration, under the provisions of *The Municipal Act*, and in the event of legislation being sought to legalize or authorize such renewal or renewals for such further term of years, the said Corporation shall, at once, on request being made by the said Company aid in procuring such legislation, provided the terms and conditions upon which such renewal is asked for are satisfactory to the Corporation.

24. All the property of the Company used in connection with the construction and operation of the railway and other objects covered by this By-law and appertaining thereto, and the income derived therefrom by the Company shall be exempt from taxation and from all local improvement rates and charges for a period of twenty-one years from the final passing hereof, and as far as the said Township of Dawn has the power to grant the same, or to recommend the same, such exemption may continue and be for the further period of ten years, and the said Township may consent to any necessary legislation in that behalf; provided, however, that this exemption shall not apply to school rates.

25. The Company shall have the right to carry freight express or mail matter within or through the said municipality and charge a reasonable compensation for carrying the same. In the event of the said Company seeing fit to run cars for carrying milk the said cars may be operated on Sundays for that purpose and a reasonable compensation charged for carrying the said milk.

26. So far as the Municipal Council has power to grant the same, the Company may deflect its line from the said streets, roads and highways and operate the same along and across private properties after appropriating the necessary rights of way under the provisions of the Statutes in that behalf, or otherwise acquiring the same.

27. Where the said Company shall operate their line along a private right of way and the said railway crosses the highways intersecting the said highways referred to in subsections of Clause 1 of this By-law the privileges and exemption hereby granted by this By-law shall extend and be applicable to such crossings of said intersecting highways.

28. The Company shall have the right to lease its works or any part thereof, or otherwise dispose of the same, and also the rights and privileges hereby granted to any person or corporation, but subject to the provisions of this By-law.

29. The municipality shall join the Company in any petition or application which the Company may make to obtain the privilege of crossing the railway track of any steam railway which it may be necessary for the

Company

Company to cross under the provisions of this By-law, but the Corporation shall not be required or compelled to incur any expense therewith.

30. All provisions of this By-Law, if any, which are beyond the jurisdiction of the said Corporation to enact, shall not operate or come into force until the same is sanctioned, ratified and confirmed by the Legislature of the Province of Ontario.

31. The Corporation shall join with the Company in applying to the Legislature of the Province of Ontario, for legislation confirming, ratifying and legalizing this By-Law and the agreement to be entered into between the Corporation and the Company pursuant thereto, but the said Company shall pay all the costs of such legislation, including the costs of the Corporation, if any.

32. This By-law and the powers and privileges hereby granted shall not take effect or be binding on the said Corporation, unless and until formally accepted by the said Company within sixty days after the final passing of this By-law, by an agreement that shall legally bind the said Company to observe, and comply with all the agreements, obligations, terms and conditions herein contained, and which agreement shall be approved by the Township Solicitor and executed by the Company and under the seal of the said Corporation by the Reeve and Clerk.

33. The Corporation shall not be liable to the Company for any encroachment of ditches or drains upon, towards, or under the tracks of the Company, and the Corporation shall have the right to require the tracks to be located at such distance from said drains and ditches as it may appear necessary to the said Corporation to have the same, in order that such tracks may not interfere with such drains or ditches.

34. If any person, persons or Corporation shall desire to remove any building or buildings, or other large substance across, or if in Villages along the track of the railway where the same is situated upon the travelled highway, they shall have the right to do so and have a reasonable time therefor: Provided that the said person, persons or Corporation shall give the Company two days' notice of their intention to remove such building, buildings or other large substance, and of the time and place where it is intended to cross the Company's property, and the Company's wires and overhead construction shall be removed at the expense of the Company,

35. The rights, privileges and franchises granted by this By-law shall be subject to all conditions, provisions and stipulations contained in this By-law, and subject also to the provisions contained in "*The Electric Railway Act*" and amendments thereto or in substitution therefor, but when the provisions of the said Acts and this are dissimilar then the provisions of this By-law shall govern.

36. Should the Company fail to complete the said railway, or to commence operating the same within the time limited by this By-law, or should the said Company after completion fail to continue to operate the same, or to comply with the provisions in this By-law contained for the space of one month after written notice of such neglect or default shall be served on the Company, then the said persons and Company shall forfeit all privileges and rights which they have acquired by said grant or under this By-law and the Corporation shall have the right to remove all material and obstructions from the highways at the expense of the Company.

37. The Company shall indemnify and hold harmless the said Corporation from all loss, costs, damages and expenses of any kind which may be incurred in consequence of any litigation in connection with anything done or permitted under the provisions of this by-law or in consequence of the construction or operation or existence of the Company's railway or other works.

38. The Franchise by which By-law granted is subject to the right of the Corporation to grant to other Companies the right to cross with  
their

their railways the tracks of the Company at such places as to the said Corporation may appear necessary or advisable, but such crossings are to be put in at the expense of the Company applying for the same, and this Franchise is granted subject to all existing rights in any person or persons, or Company whatsoever outstanding against the said township. Finally passed, signed and sealed this Sixteenth day of August, A.D. 1902.

J. M. WEBSTER,  
Clerk.

[ Seal ]

JOHN McNAB,  
Reeve.

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### SCHEDULE C.

Articles of agreement made this Sixteenth day of September, in the year of our Lord one thousand nine hundred and two, between the Corporation of the Township of Enniskillen (hereinafter called the Corporation) of the first part, and The Lambton Central Electric Railway Company (hereinafter called the Company) of the second part.

Whereas by an Act of the Legislature of the Province of Ontario passed on the seventeenth day of March, A.D. 1902, entitled *An Act to Incorporate the Lambton Central Electric Railway Company*, the said Company is authorized and empowered to construct and operate a railway through the Township of Enniskillen subject to any agreement to be made between the Council of the said Township of Enniskillen and the Company and under and subject to any by-law of the Corporation.

And whereas the council of the said Corporation on the 23rd day of August, in the year of our Lord one thousand nine hundred and two, passed a By-law numbered 6 of 1902, granting to the Company certain rights for the construction and maintenance and operation of an electric railway upon and along certain highways of the said Township of Enniskillen upon and subject to the terms, conditions, agreements, stipulations, regulations, obligations, provisions and things therein contained, a copy of which said By-law is hereunto annexed.

And whereas these presents are intended to give effect to said By-law and the same have been approved of by the solicitor acting on behalf of the Corporation.

Now these presents witnesseth that in consideration of the granting of the rights and privileges which are by the said By-law granted by the Corporation to the Company, the Company do, for themselves, their successors and assigns, covenant, promise and agree to and with the Corporation and their successors in manner following, that is to say:—

That the Company do hereby accept the said By-law, and that the Company, their successors and assigns will in all things conform to, obey, perform, observe, fulfil and keep all and every the terms, conditions, agreements, stipulations, regulations, obligations, provisions and things in said By-law contained, upon, under, and subject to which the said rights and privileges are by the said By-law granted to the Company, and will do and perform all acts, matters, and things which the said by-law provides are to be done by or on behalf of the Company, and will not do anything which the said By-law provides is not to be done by the Company.

And the Corporation do hereby ratify and confirm the said by-law and the rights and privileges hereby granted to the Company; subject, however, to all the terms, conditions, agreements, stipulations, regulations, obligations, provisions, and things in the said By-law contained.

In



In witness whereof the Corporation have caused to be affixed the Corporate Seal and the Reeve and Clerk have set their hands and the Company have caused to be affixed their Corporate Seal and their President and Secretary have set their hands the day and year first above written.

Signed, sealed and delivered in presence of	(Sgd.)	W. B. COLLINS, Prest.	
(Sgd.) A. R. HEITER,	(Sgd.)	F. J. WINLOW, Secty.	
Witness as to signatures of F. J. WINLOW and W. B. COLLINS.			[ Seal of The Lambton Central Electric Railway Co. ]
	(Sgd.)	GEO. PEARCE, Reeve.	
	(Sgd.)	GEO. V. WYANT, Clerk	[ Corporate Seal of the Township of Enniskillen. ]

#### BY-LAW NO. 6 OF 1902.

A by-law to authorize and empower "The Lambton Central Electric Railway Company" to locate and operate a single iron or steel railway for the passage of cars, carriages or other vehicles, upon and along certain Public Highways in the Township of Enniskillen, and to declare and prescribe the terms and conditions on which its railway may be constructed, maintained and operated.

Whereas the said "The Lambton Central Electric Railway Company" (hereinafter called the Company), have made application to the Municipal Council of the Corporation of the Township of Enniskillen (hereinafter called the Corporation), for the privilege of constructing, maintaining, completing and operating a single iron or steel railway with the necessary side tracks and turn-outs for the passage of cars, carriages and other vehicles over, upon and along those portions of the public highways in the Township of Enniskillen hereinafter set forth ;

And whereas the said Company are by their Act of Incorporation empowered to construct their line in sections ;

And whereas it is deemed expedient to grant such privilege with the limitations and subject to the conditions and provisoes hereinafter set forth ;

Therefore the Municipal Council of the Corporation of the Township of Enniskillen enacts as follows :—

1. That the said "The Lambton Central Electric Railway Company," its successors and assigns, subject to the conditions, limitations, and provisoes hereinafter contained, are hereby granted the right to lay out, construct, make, alter and keep in repair by sections as authorized as aforesaid, a single iron or steel railway to be operated by electricity or by any other motive power, except steam, which is or may become suitable for railway purposes and which may be approved of by the said Corporation, with single iron or steel tracks, with necessary side tracks and turnouts for the passage of cars, carriages and other vehicles adapted to the same, and with all necessary poles, wires and overhead construction for the completion and operation of the said railway on or over and along and upon those portions of the public highways of the Township of Enniskillen herein described, subject to the rights of any telegraph or telephone company over the said highways :—

(a) The sideroad between lots 15 and 16 throughout its entire length within the territorial limits of the said Township of Enniskillen and the town line road between the Townships of Dawn and Enniskillen, from the said sideroad to the road allowance between the seventh and eighth concessions

cessions of the Township of Dawn or so much thereof as to and over which the said Township of Enniskillen has or claims to have jurisdiction.

(b) The road allowance along the Blind line between the eleventh and twelfth concessions from its intersection with the Town of Petrolea to its intersection with the sideroad between lots 9 and 10, being all of that part of said road within the Township of Enniskillen.

(c) The sideroad between lots 9 and 10 in the twelfth concession from its intersection with the Blind line between the eleventh and twelfth concessions, to its intersection with the allowance for a road between the twelfth and thirteenth concessions.

(d) The original allowance for a road between the twelfth and thirteenth concessions of the Township of Enniskillen from its intersection with the east limits of the Townships of Moore and Sarnia to the east limit of the sideroad between lots fifteen and sixteen.

Provided however, that the position of the tracks on the said highways and the grade thereof shall be determined by the township engineer for the time being, subject to the approval of the said council; and that the said Company shall not lay out, construct, make nor operate their said railway on the graded, metalled or travelled portion of said highways, except where said council order the tracks to be so constructed; and that the Company shall have the privilege of using steam as a motive power during the construction of the railway.

2. The said Company shall, subject to the next preceding clause, select the route over which they intend to build their railway and give notice thereof to the Corporation within six months from the passing of this by-law. Such notice shall be in writing, accompanied with a map or plan, showing accurately the position of the tracks on the said highway, and the grade at each crossing of the highway, and each intersecting highway, and the position of the poles and shall be filed in the office of the clerk of the township within the time mentioned above.

3. The Company shall have the right to lease their works or any part thereof, and also the rights and privileges hereby granted, to any person or corporation, but all the terms and conditions of this by-law shall be binding upon any such person or corporation to whom said works or any part thereof or rights and privileges hereby granted may be leased, and such person or corporation shall take subject to the terms and provisions hereof.

4. The said railway shall be constructed in a substantial manner according to the best modern practice, with a single iron or steel track, with such switches, turnouts, side tracks and cross-overs as may be necessary to afford ample facilities for the proper working of the railway for passenger traffic, with all necessary poles, wires and overhead constructions along such route for the completion of the said railway, and its operation by running cars thereon, by means of electricity or by any other motive power except steam, which is or may become suitable for railway purposes, and which may be approved of by the corporation, and the said railway shall be constructed in such a position on the highway as the township engineer shall direct and the township council shall approve of.

5. The construction of that part of the said railway shall be fully completed and the said railway shall be in operation over the highways named in paragraphs "b," "c" and "d" on or before the expiration of two years, and that part of said railway shall be fully completed and the said railway shall be in operation over the highways named in paragraph "a" on or before the expiration of three years from and after the date of the final passing of this by-law, but the time for the completion of certain sections of said railway may be extended by the township council from time to time on good cause being shown.

6. The rights conferred upon the said Company and the agreement to be executed in pursuance hereof, shall in no case be taken to prevent the said township council or their grantees from crossing the railway of said Company or traversing said highways by other railways to whom privileges therefor may be granted by said township council, all of which rights are hereby expressly reserved.

7. The gauge of the said railway shall be four feet eight and one-half inches.

8. The rails to be used shall be the standard "T" rails and shall be laid in such a manner as the township engineer may direct and the said township council may approve of.

9. The poles to be used by the said Company shall be of cedar wood, or iron, straight and perpendicular, and of such height that all wires and other overhead constructions shall not be less than eighteen feet above the level of the surface of the rails or such other greater height as the township engineer may certify to be necessary for safety. All poles shall be located between the said railway and the limit of the original allowance for a road nearest the railway, except in villages, where double poles may be used, and no poles shall be placed between the said railway and the travelled portion of the said highway, and the position of any and every pole shall be controlled by the township council.

10. The said Company shall construct and keep in repair the road bed between the rails and for eighteen inches on the outside of the rails, and the said road bed wherever and as to such portion of said road bed as is occupied by the said Company shall be graded by the Company as may be directed by the said Township Engineer and approved of by the said Township Council, and where the said Council permit the track or ties of the said railway to encroach on or interfere with or cross over the graded or travelled road bed of the public highway, the said Council may direct that the space between the rails and for eighteen inches beyond the rails shall be constructed and maintained by said Company with plank or other suitable material, and that the surface of the said planks or other suitable material, shall be maintained flush with the rails of the said railway throughout the length of such encroachment, interference or crossover, and should the Corporation at any time deem it necessary that the surface of such planks or other suitable material be maintained one-half inch higher than the rails, the same shall be so maintained on notice served by the Corporation, and the surface of the rails shall be flush with the surface of the graded or travelled road bed, and it shall be lawful to and for all and every person and persons, whatever to travel upon and use the said tracks wherever and as to such portions thereof as lie upon the graded portion of any highway with their vehicles loaded or empty, when and so often as they may please, provided they do not impede or interfere with the cars of the Company running thereon.

11. At the intersection of every public highway at right angles with the Company's railway, twenty-four feet in length of the Company's track, for the whole width between the rails and for eighteen inches on the outer side of each rail, shall be bridged or covered over with planks, the surface of which shall be maintained flush with the rails of the said railway, and should the Corporation at any time deem it necessary that the surface of said planks be maintained one-half inch higher than the rails, the same shall be so maintained on notice served by the Corporation, and such crossings and proper approaches thereto, shall be constructed and maintained by the said Company, in such manner as the Township Engineer shall direct and said Council approve of.

12. The Company shall construct and keep in good repair proper crossings at entrances for the convenience of persons owning or occupying property along the line of said railway, over the Company's tracks and to such property; and any crossings at entrances to any subdivisions of said property at any time hereafter made, and shall alter or remove and replace

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any crossing to suit the requirements of the changed condition of any property, sixteen feet in length of the track for the whole width between the rails, and for eighteen inches on the outer side of each rail, shall be bridged or covered over with planks, the surface of which shall be flush with the rails of the said railway, and should the Corporation at any time deem it necessary that the surface of such planks be maintained one-half inch higher than the rails, the same shall be so maintained on notice served by the Corporation, and shall be constructed or repaired at the order and subject to the approval of the said Council.

13. The Company shall provide bridges, culverts and waterways for the free passage of the waters of all ditches, drains or water courses, that now discharge, or that may hereafter require to discharge, their water over the course of the said railway, and shall alter, extend, enlarge, improve or renew the said bridges, culverts and water ways as directed by the Township Engineer and approved by the Council; and the said Company shall contribute from time to time, and as each occasion may arise, their proper proportion of all levies or assessments, for the cost of the repair or construction of any drainage work under *The Ditches and Watercourses Act* and *The Municipal Drainage Act*, and affecting the lands occupied by the tracks of the Company.

14. During the operation of constructing the said railway, and laying the rails, and whenever repairing the same thereafter, a free passage for carriage and vehicles shall be kept open and unobstructed, and immediately after the operation of constructing or repairing, as the case may be, any material removed or dug up in the operation as aforesaid, shall be replaced in as good and substantial a manner as before such removal, and that portion of the surface of the graded or travelled part of the highway occupied or used by the Company, shall be kept and maintained flush with the rails, and all surplus material shall be removed or disposed of as shall be directed by the said Township Council, and no part of the graded, metalled or travelled portion of the highway shall be dug up or disturbed for a greater period than thirty days.

15. The said railway must be laid down and maintained, subject to the rights of the Corporation to dig up the highways traversed by the said railway, either for the purpose of repairing said highways, altering the grades thereof, constructing or repairing of drains or culverts, laying down or repairing gas, oil or water pipes, and for any other purposes for the time being within the powers of the Corporation, and whenever the public or private convenience may require, and in case any such works or repairs necessitate the temporary removal of any part of the railway track or any other portion of the works of the Company, the said Corporation, its servants, agents and workmen under the supervision of an officer of the Company, may, at the expense of the Corporation, remove such part of the track or other works of the Company without incurring any liability whatever to the Company therefor, but the Corporation shall give the said Company twenty-four hours' notice of their intention to do such work, and the Company shall, at the expiration of the twenty-four hours, provide an officer to superintend the work; and such notice may be served on any conductor or motorman in charge of any of the Company's cars, and such service shall constitute a service on the Company;

Provided however that nothing herein contained shall be construed to relieve the Company of their duty to provide bridges and culverts, or from their liability under *The Municipal Drainage Act*, and *The Ditches and Watercourses Act*, as provided in clause thirteen of this by-law.

16. The company shall not at any time obstruct, divert or in any way interfere with the free flow of water in any ditch, drain or water-course that is now or that may hereafter be constructed on, over, across or along the course of the said railway.

17. Whenever it shall be necessary to remove any snow or ice from the tracks, switches, turnouts or cross-overs of the said railway, the same shall

shall be removed by the said Company and evenly spread over the highway, and in such a manner as not to obstruct a free passage of sleighs or other vehicles along and across such highway; and if such snow or ice shall not be so spread within forty-eight hours' of receipt of notice in writing from the Clerk of the Township of Enniskillen to be given to any conductor or motorman or officer of the Company, it may then be removed or evenly spread by the Corporation, who shall be entitled to collect from the Company the cost of such work.

18. The said Company shall erect waiting rooms where necessary, the sites of which shall be located by said council, having regard to the convenience of the public.

19. No part of said railway situate in the Township of Enniskillen, shall be opened to the public or put in operation until inspected and approved by the railway inspector, appointed under the provisions of *The Railway Act of Ontario*, and until the sanction of the council has been previously obtained by means of a special resolution to that effect, and such sanction shall only be granted upon a certificate from the township engineer for the time, declaring the said railway to be in good condition and constructed conformably to the conditions prescribed by this by-law in that behalf.

20. The said Company shall place and continue on the said railway, within the said township, passenger cars with all the modern improvements, for the convenience, safety and comfort of passengers, including lighting and heating, and with one of the type of fenders specified by law, and no car shall be run without fenders, and the said cars shall be propelled by electricity, or any other motive power, except steam, which is or may become suitable for railway purposes, and may be approved of by the council.

21. The Company shall have the privilege of running their cars for the purpose of carrying passengers in the Township of Enniskillen daily, except Sunday, and in the event of the said Company seeing fit to run cars for carrying milk, the said cars may be operated on Sunday for that purpose, and a reasonable compensation charged therefor. And in the event of the said Company having a contract or contracts for carrying of His Majesty's mails, such car or cars as may be necessary for that purpose may be run on Sunday. There shall be two men in charge of each motor car, or train of one motor car and one trailer, and an additional man in charge of each trailer in excess of one.

22. The Company shall run the passenger cars through this township over their line at least four times each way each working day, and the said cars shall be run having regard to the convenience of the public.

23. The rate of speed of all cars shall be subject to the direction of the said council from time to time, but shall not be restricted to a speed of less than ten miles an hour.

24. Every car or train shall be provided with a gong or bell, to be approved of by the said council, which gong or bell shall be rung when approaching every public crossing, and at a distance of at least twenty rods from every place where the railway crosses any highway, and be kept ringing until the car has crossed such highway, and shall be rung when necessary to give warning.

25. After sunset the cars shall be provided with colored signal lights for the front and rear, and a bright headlight on every motor car.

26. All passenger cars shall stop to take on or let off passengers whenever requested to do so, provided that intending passengers shall signal the approaching car when the same is not less than twenty rods away.

27. The Company shall have the numbers of each motor car plainly painted in a conspicuous place on the outside of each car.

28. The cars of said Company shall be entitled to the track, and every vehicle upon the track of the Company shall turn out when any car comes up, so as to leave the track unobstructed, and any driver of a vehicle re-

fusing

fusing to turn out when warned or requested to do so by the driver of any car, shall be liable to a fine not exceeding (\$10.00) ten dollars, exclusive of costs, to be imposed by any Justice of the Peace for the County of Lambton, having jurisdiction in the said Township of Enniskillen, and in case of non-payment to be collected by distress and sale of the goods of the offender, and in default of sufficient distress the offender may be imprisoned in the common gaol in the County of Lambton for a period not exceeding twenty-one days, with or without hard labor. Provided however that no part of this section shall apply to buildings, drilling rigs, derricks, or other large and heavy structures being removed over, across or along the said railway, and in case of the latter, the same shall be removed with all reasonable despatch, so as not to unnecessarily hinder or delay the traffic of the said Company.

29. The Company may charge and collect from any person entering any of their cars for a continuous journey of any distance on their railway, a rate of fare not to exceed two cents per mile for each adult person, or persons over twelve years of age; and one cent per mile for each person between the age of five and twelve years; but the said Company shall not be bound to carry any such adult person any distance for less than five cents, nor any person between the age of five and twelve years for less than three cents, children under five years of age accompanied by parent or other person having them in charge, and the members of the Municipal Council and Clerk of the Township of Enniskillen from time to time shall be carried from any point on the Company's railway to any other point free of charge.

30. Any conductor or other employee who shall knowingly collect from any passenger more than the fare prescribed by this by-law shall, on conviction thereof before any Justice of the Peace, pay a fine of not less than five dollars for each offence.

31. The said Company may carry freight and baggage over their railway, and charge a reasonable compensation for carrying the same.

32. Whenever by reason of snow or ice, the tracks of the said Company shall be obstructed to such an extent as to interfere with the running of the cars, the said Company is authorized to use a sufficient number of sleighs, wagons or other vehicles to answer the requirements of traffic until such time as said cars can be again used, and the said Company may charge fares for carriage on the said sleighs, wagons or other vehicles as if the same were cars of the said Company and being run on the track of the Company.

33. The Company shall not obstruct or impede any other railway company, who may acquire from the said Council the right to construct and operate a railway, on any of the highways mentioned in this by-law or any other highway in the said Township of Enniskillen, nor endeavor to prevent other railways from crossing said railway.

34. All rights that now are, or that may hereafter be vested in the Corporation, or in any railway, gas, oil, telephone, telegraph, water works or other company or corporation in respect of the care or improvement of the highway, the construction of railways, sewers, culverts or drains, and the laying of water, gas, oil or sewer pipes therein, or the placing of poles or wires are not in any way to be affected or impaired by any privilege that may be granted to the said Company, but the said railway must be laid down and maintained subject to the rights of the Corporation and of other Companies, firms or individuals to take up, alter, repair or remove sewers, water, oil, and gas pipes and to place pipes, poles, and wires for said purposes and subject to all other purposes within the province and privilege of the said Corporation, without claim for damage against the said Corporation or any of said Companies, firms, or individuals properly and lawfully exercising their said rights, and the said Corporation expressly reserves the right hereafter to lay down and operate or permit to be laid down and operated railways and gas, oil, water or sewer pipes and to place or permit



permit the placing of pipes, poles, and wires for said purposes, and to alter, improve and repair, the said highways whenever the public or private convenience may require.

35. It is hereby expressly declared that the Corporation of the Township of Enniskillen shall not be held liable to the said Company for any damage the said Company may incur or sustain from the overflow of any ditch, drain, or water course or from the breakage of any gas, oil, water or sewer pipe, or for any delay loss or damage sustained from the removal of any building, drilling rig, derrick, or other structure over, across or along the said railway, or for any delay that may be caused by the construction or repair of any drainage work, the laying of water, oil or gas pipes, or the necessary repairing of the same or from any other delay or damage that may be caused by freshets, fire or otherwise or from repairs, changes, or improvements in the highways.

36. The said Company shall be liable for any loss or injury<sup>\*</sup> that any person may sustain by reason of any carelessness, neglect or misconduct of the company, their servants or agents, in the construction, management or use of the railway, and the said Company shall indemnify and hold the said Corporation harmless from any damage that may be claimed by property holders, or by any person or persons on account of the laying of their tracks or the use thereof, or the running of cars thereon, and shall indemnify the said Corporation against all damages, actions, costs and expense they may incur or be put to by reason of any danger or injury from any electric or other system adopted, or from the use of steam as a motive power during the construction of the said railway.

The remedies to the corporation herein provided are in addition to and not in substitution for any remedies or relief over or under any statute.

37. Any person, wishing to remove a building, drilling rig, derrick or other structure that will not safely pass under the wires and overhead construction of the said railway, shall give the said Company twenty-four hours notice of the time when, and the place where he will require to pass over, across or along the said Company's railway with such building, drilling rig, derrick or other structure; such notice may be served on any conductor, motorman, or other person in charge of any of the Company's cars, and the said Company shall at their own expense promptly remove the wires and overhead construction necessary to permit a safe passage, and the party requiring such removal shall repay to the Company the actual cost incurred by such removal, should the crossing not be made at the time and place mentioned in the notice.

38. It is hereby reserved to the said Township Council to make such further rules, regulations, orders, and by-laws in relation to the operation of the said railway within the Township of Enniskillen from time to time, provided always that the same may be reasonably necessary for the safety or accommodation of the public.

39. Should the Company fail to complete any of said sections of the railway over the route described in this by-law within the time or times limited therefor, or neglect or refuse after notice from said Township Council to keep in repair the part of the highway, which under the terms of this by-law should be kept in repair by the said Company, then the Company shall in that case forfeit all privileges and rights which they may have acquired under this by-law or by the use or possession of said highway or any part thereof so far as relates to the section or sections of said railway not completed.

40. All the property of the said Company used in connection with the construction and operation of the railway; and all objects covered by this by-law and appertaining thereto, and the earnings and income (if any) derived therefrom by the Company shall be exempt from taxation for a period of ten years from the date of the final passing of this by-law; provided always that this exemption shall not apply to assessment for school rates and drainage works.

41. So long as the said Company shall faithfully observe, perform and keep the terms, conditions and obligations in this by-law contained, and on their part to be observed, performed and kept the privileges granted to them under this by-law and any amendments thereto shall continue.

42. This by-law and the powers and privileges hereby granted shall not take effect or be binding on the said township unless and until formally accepted by the said Company within thirty days after the passing thereof by an agreement which shall legally bind said Company to perform, observe, and comply with all the agreements, obligations, terms and conditions herein contained, and such agreement shall be first approved of by the Solicitor for the Township of Enniskillen.

This by-law was finally passed this twenty-third day of August, A.D. 1902.

(Sgd.) GEO. PEARCE,

Reeve.

(Sgd.) GEO. V. WYANT,

Clerk.

[ Corporate Seal Township  
of Enniskillen. ]

## SCHEDULE D.

Articles of Agreement made this sixteenth day of October in the year of our Lord one thousand nine hundred and two, between the Corporation of the Township of Camden (hereinafter called the Corporation) of the first part, and The Lambton Central Electric Railway Company (hereinafter called the Company) of the second part.

Whereas by an Act of the Legislature of the Province of Ontario passed on the seventeenth day of March, A. D., 1902, entitled "*An Act to Incorporate the Lambton Central Electric Railway Company*," the said Company is authorized and empowered to construct and operate a railway through the Township of Camden subject to any agreement to be made between the council of the said Township of Camden and the Company and under and subject to any By-law of the Corporation.

And whereas the council of the said Corporation on the sixth day of October in the year of our Lord one thousand nine hundred and two passed a by-law numbered seven, granting to the Company certain rights for the construction and maintenance and operation of an electric railway upon and along certain highways of the said Township of Camden upon and subject to the terms, conditions agreements, stipulations, regulations, obligations, provisions and things therein contained, a copy of which said By-law is hereunto annexed.

And whereas these presents are intended to give effect to said By-law and the same have been approved by the solicitor acting on behalf of the Corporation.

Now these presents witnesseth, that in consideration of the granting of the rights and privileges which are by the said By-law granted by the Corporation to the Company, the Company do, for themselves their successors and assigns, covenant, promise and agree to and with the Corporation and their successors in manner following, that is to say :—

That the Company do hereby accept the said By-law, and that the Company their successors and assigns will in all things conform to, obey, observe, fulfil, and keep all and every the terms, conditions, agreements, stipulations, regulations, obligations, provisions and things in said By-law contained, upon, under, and subject to which the said rights and privileges

vileges are by the said By-law granted to the Company, and will do and perform all acts, matters, and things which the said By-law provides are to be done by or on behalf of the Company, and will not do anything which the said By-law provides is not to be done by the Company.

And the Corporation do hereby ratify and confirm the said By law and the rights and privileges hereby granted to the Company ; subject, however, to all the terms, conditions, agreements, stipulations, regulations, obligations, provisions and things in the said By-law contained.

In witness whereof the Corporation have caused to be affixed the corporate seal and the Reeve and Clerk have set their hands and the Company have caused to be affixed their corporate seal and their President and Secretary have set their hands the day and year first above written.

Signed, sealed and delivered { W. B. COLLINS. [Seal.]  
in the presence of { F. J. WINSLOW.  
O. B. HUTER.

WM. ELGIE,  
Reeve.

M. S. BLACKBURN,  
Clerk. [Seal.]

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BY-LAW No. 7. 1902.

A BY-LAW to authorize and empower the Lambton Central Electric Railway Company to locate and operate a single iron or steel railway for the passage of cars, carriages and other vehicles adapted to the same, upon and along certain streets and highways in the Township of Camden, and to declare and prescribe the terms and conditions on which its railway may be constructed, maintained and operated.

Whereas The Lambton Central Electric Railway Company, (hereinafter called the Company) have made application to the Municipal Council of the corporation of the Township of Camden, for the right and privilege of constructing, maintaining, completing and operating, and from time to time removing and changing as required, a single iron or steel railway with the necessary side-tracks and turn-outs for the passage of cars, carriages and other vehicles adapted to the same, over, upon and along those portions of the streets and highways in the Township of Camden, hereinafter set forth ;

And whereas it is deemed expedient to grant such privilege :

Be it therefore enacted by the Municipal Council of the Corporation of the Township of Camden:—

1. That the said “The Lambton Central Electric Railway Company,” its successors and assigns shall, subject to the reservations, conditions, and limitations, and provisions, contained in any of the clauses of the said By-law, have the privileges in so far as the said Council has the power to grant the right of constructing, maintaining, completing, and operating, and from time to time removing and changing as required, a single iron or steel railway with the necessary side-tracks and turn-outs for the passage of cars, carriages, and other vehicles adapted to the same upon and along those portions of the streets or roads in the Township of Camden, namely:—On the road allowance between Concessions four (4) and five (5) in the gore of Camden, in the County of Kent, from the southern limit of the town line, between the gore of Camden and the Township of Dawn, in the County of Lambton, to the northern limit of the line between the said gore of Camden and the Town of Dresden in



the County of Kent, subject to the reservation hereby reserved by the said Corporation, namely, to grant the same or like rights and privileges to any other person or Corporation.

2. Such railway shall consist of a single track with all necessary switches, side-tracks and turn-outs, laid down as required by law, and shall be laid down in such position on such highway, and in such manner as shall be directed by the Township Engineer and approved of by the Township Council, but said location and position of said track shall not be over eleven feet from the western boundary of the present ditch or drain on the east side of the present travelled portion of the road allowance mentioned in Clause I., and as shown upon plans with figures, dimensions showing the distance of all the Company's works from the side lines of the above allowance for road and from the above ditch or drain, which plans shall be approved by the said Corporation and such plans shall be filed with the Clerk of the Corporation.

3. The location of the line of railway in the said streets or highways, shall not be made until the plans thereof showing the position of the rails and other works on said streets or highways shall have been submitted to and approved of by the Township Council.

4. The rails to be used shall be the Standard "T" rail, and shall be laid down as hereinafter provided.

5. The gauge of the said railway shall be four feet and eight and one-half inches.

6. The tracks of the said railway and all works necessary for constructing and laying the same shall be constructed in a substantial manner, according to the best modern practice. During the operation of laying, removing, and re-laying the rails, a free passage for carriages and vehicles over the streets and highways shall be open and not obstructed, and immediately after the rails shall have been laid or re-laid, as the case may be, the material removed or dug up in the laying or re-laying as aforesaid shall be either removed from or spread over the street or highway from which the same shall have been taken as shall be directed by the township engineer.

7. Space between the rails of the said railway and the roadway to a distance of eighteen inches on both sides thereof shall be kept in a good state of repair, and where the said road shall be constructed on the travelled highway or where it shall cross the travelled highway, it shall be constructed and maintained even with the grade of the travelled highway and to the satisfaction of the said municipal council; and the said Company shall also be bound to construct and keep in repair crossings of a character provided by the said municipality, and wherever farm crossings, bridges, culverts, or waterways, including drains of all kinds, are found by the municipal council to be necessary for drainage or other purposes, the same shall be constructed by the said company in a manner to be approved of by the said municipal council, but in case of tile drains the owner of the adjoining lands shall pay the Company such sum as it would have cost to have put in the drain across the railroad had such railroad not been there.

8. The Corporation shall have the right to dig up the streets or highway traversed by the said railway either for the purpose of repairing said streets or highways, altering the grades thereof, constructing or repairing of drains, sewers, culverts, or for any purposes for the time being within the powers of the corporation and whenever the public or private convenience may require; and in case any such works or repairs necessitate the temporary removal of any part of the railway track or any other portion of the works of the Company, the Corporation, its servants, agents, or workmen may, at the expense of the Corporation, remove such part of the track or other works of the Company without incurring any liability whatever to the Company therefor, but the Corporation shall use due dili-

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gence in making and doing all such works and repairs, and shall replace the railway track or any other part of the works of the Company and leave it in as good position as before.

9. The said Company shall commence the construction of the said railway on the above road allowance not later than three years from the final passing of this by-law, and shall complete the same within five years from the final passing of this by-law, and in no case shall the time for the commencement and completion of said railway be extended beyond the time above mentioned except with the consent of the said Corporation.

10. The cars upon the said railway shall be of modern type, propelled by electricity, or, with the consent of the said Corporation, expressed by by-law, any other motive power except steam which is or may become suitable for railway purposes; provided, however, that in the event of the freight business of the Company increasing to such an extent as to render the handling of freight cars by electricity impracticable, the said Company shall have the privilege of hauling said freight cars by means of dummy engines with steam as a motive power, and in the event of said dummy engines being used, the same shall be operated between eleven o'clock in the evening and six o'clock in the morning; provided, also, that the said Company shall have the privilege of using steam as a motive power for construction purposes during the construction of the said railway.

11. Suitable bridges and crossings of a character satisfactory to the council shall be constructed and kept in good repair by the Company at all highways and farm crossings. All necessary poles shall be located next to the fence nearest the track, except in cases of switches and where passing through villages double poles may be used.

12. The fares to be charged by the said Company shall not exceed a rate per mile of two cents for each person, but all children under five years of age when accompanied by parent or other person having them in charge and not occupying a seat shall be carried free, but the Company shall not be bound to carry any passenger any distance for less than five cents, except children as aforesaid; and between the hours of eleven in the evening and six in the morning the Company shall have the right to charge double the said fare.

13. Whenever it shall become necessary to remove snow or ice from the track or tracks of the said company the same shall be, by the said Company, evenly spread over the highway so as not to obstruct the free passage of sleighs or other vehicles along the said highways, or else removed by the said Company as shall be directed by the proper officer of the said Corporation.

14. Whenever by reason of snow or ice the tracks of the said Company shall be obstructed to such an extent as to interfere with the running of the cars of the said Company the said Company is authorized to use a sufficient number of sleighs, waggons or other vehicles to answer the requirements of traffic until such time as the said cars can be again used, and the said Company can charge fares for carriage on the said sleighs, waggons, or other vehicles as if the same were cars of the said Company and being run on the track of the said Company.

15. The number of trips shall not be less than four each way daily unless prevented by unavoidable accident or obstructions caused by storms or other causes beyond the control of the said Company.

16. The rate of speed of the cars run through the said township shall not be restricted to less than twelve miles per hour, but where passing through villages the rate of speed shall not exceed twelve miles per hour.

17. No cars shall be allowed to stop in front of an intersecting highway except to avoid collision or to prevent injury to persons on the highways or for other unavoidable reasons.

18. After sunset the cars shall be provided with colored signal lights for the front and rear.

19. The cars shall be entitled to the track and every vehicle upon the track of the company shall turn out when any car comes within twenty rods of any such vehicle so as to leave the track unobstructed, and any driver of a vehicle refusing to so turn out when warned or requested so to do by the driver of any car shall be liable to a fine not exceeding ten dollars, exclusive of costs to be imposed by any Justice of the Peace for the County of Kent, having jurisdiction in the said township, and in case of non-payment, to be collected by the distress and sale of goods of the offender, and in default of sufficient distress the offender may be imprisoned in the County jail for the said County of Kent for a period not exceeding twenty-one days, with or without hard labor.

20. The railway of the said Company shall cross the channels of all the creeks and streams which intersect the said railway crossing of any of the roads mentioned in Section 1 of this By-law on separate bridges of their own construction and in no event shall the said Company lay their tracks on the public highway, bridges or culverts, across those streams or any other creek or stream.

21. Where it is necessary in constructing their railway for the boundary fences to be set back so that the Company's tracks shall not interfere with the travelled portion of the highway the Company shall deal with the owners of the adjacent land.

22. So long as the said Company shall faithfully observe, perform, and keep the said terms, conditions and obligations in this By-law contained, and on their part to be observed, performed, and kept, the privileges granted to them under this By-law and amendments thereto (if any) shall continue.

23. All the property of the Company used in connection with the construction and operation of the railway and other objects covered by this By-law and appertaining thereto, and the income derived therefrom by the Company shall be exempt from taxation and from all local improvements, rates and charges for a period of twenty-one years from the final passing hereof, and, as far as the said Township of Camden has the power to grant the same or to recommend the same, such exemption may continue and be for the further period of ten years, and the said Township may consent to any necessary legislation in that behalf; provided, however, that this exemption shall not apply to school rates.

24. The Company shall have the right to carry freight, express, or mail matter within or through the said municipality and charge a reasonable compensation for carrying the same. In the event of the said Company seeing fit to run cars for carrying milk the said cars may be operated on Sundays for the purpose, and a reasonable compensation charged for carrying the said milk.

25. So far as the Municipal Council has power to grant the same, the Company may deflect its line from the said streets, roads, highways, and operate the same along and across private properties after appropriating the necessary rights of way under the provisions of the Statutes in that behalf, or otherwise acquiring the same.

26. Where the said Company shall operate their line along a private right of way and the said railway crosses the highway intersecting the said highways referred to in subsections of Clause 1 of this By-law, the privileges and exemptions hereby granted by this By-law shall extend to and be applicable to such crossings of said intersecting highways.

27. The Company shall have the right to lease its works or any part thereof, or otherwise dispose of the same and also the rights and privileges hereby granted to any person or Corporation, but subject to the provisions of this By-law.



28. The Municipality shall join with the Company in any petition or application which the Company may make to obtain the privilege of crossing the railway track of any steam railway which it may be necessary for the Company to cross under the provisions of this By-law, but the Corporation shall not be required or compelled to incur any expense therewith.

29. The Corporation shall join with the Company in applying to the Legislature of the Province of Ontario for legislation confirming, ratifying, and legalizing this By-law, and the agreement to be entered into between the Corporation and the Company pursuant thereto, but the Company shall pay all the costs of such legislation, including the costs of the Corporation, if any.

30. This By-law, and the powers and privileges hereby granted, shall not take effect or be binding on the said Corporation unless and until formally accepted by the said Company within sixty days after the final passing of this By-law by an agreement that shall legally bind the said Company to observe and comply with all the agreements, obligations, terms, and conditions herein contained, and which agreement shall be approved of by the Township Solicitor and executed by the Company and under the seal of the said Corporation by the Reeve and the Clerk.

31. The Corporation shall not be liable to the Company for any encroachment of ditches or drains upon, towards, or under the tracks of the said Company or for any damage the Company may sustain from the breakage or non-repair of any drain or ditches or from the overflow of water or otherwise, and the Corporation shall have the right to require the tracks to be located at such distance from said drains and ditches as it may appear necessary to the said Corporation to have the same, in order that such tracks may not interfere with such drains or ditches.

32. The said Company shall not at any time obstruct, divert, or in any way interfere with the free flow of water in any ditch, drain, or water-course that is now or that may hereafter be constructed on, over, across, or along the course of the said railway.

33. The said Company shall be liable for any loss or injury that any person may sustain by reason of carelessness, neglect, or misconduct of the Company, their servants or agents, in the construction, management or use of the said railway, and the said Company shall indemnify and hold the said Corporation of the Township of Camden harmless from any damage that may be claimed by property holders or by any person or persons on account of the laying of the track or the use thereof, or the running of cars thereon, and from all loss, costs, damages, and expenses of any kind which may be incurred in consequence of any litigation in connection with anything done, or permitted or omitted, under the provisions of this By-law or in consequence of the construction or operation of the Company's railway or other works. The remedies to the Corporation herein provided are in addition to and not in substitution for any remedies or relief over or under any statute.

34. If any person, persons or Corporation shall desire to remove any building or buildings or other large substance across or, if in a village, along the track of the railway where the same is situate upon the travelled highway they shall have the right to do so and have a reasonable time therefor; provided that the said person, persons or Corporation shall give the Company two days' notice of their intention to remove such building, buildings or other large substance and of the time and place where it is intended to cross the Company's property, and shall repay to the Company the actual cost and expense incurred by the Company thereby.

35. The said Company shall purchase for said corporation and grant and convey or cause to be granted and conveyed to said corporation in fee simple free from all incumbrances and free from all costs and expenses to said corporation, a sufficient quantity or portion of that land in the

fourth (4) concession in the Gore of Camden in the County of Kent, lying west of and adjacent to the present road allowance described in clause 1, over which rights and privileges are granted by this by-law to said company, so as to make said road allowance forty feet in width at all points between the western limits of the track of the said company and the western limits of the said road allowance; and said company shall further grade said road allowance a width of twenty-four feet throughout the length thereof, and in a manner fit for public travel, but said grading shall not be at such a height as to make or cause a ditch on the west side of said road allowance, and said grading shall be done to the satisfaction of said corporation and approved by the Township Engineer.

36. Should the Company fail to complete the said railway or to commence running their cars within the time limited by this by-law, or should the said company within the time limited by this grant neglect or fail to run cars on the entire length of said railway after the completion thereof for the accommodation of the public for the space of one month after written notice of such neglect or default shall be served on the Company, or should the said company fail to faithfully observe, perform, and keep any of the said terms, conditions and obligations in this by-law contained, and on its part to be performed, then the said company, upon the happening of any of the said failures or defaults, shall forfeit all privileges and rights which they may have acquired by the said grant or under this by-law or by the use or possession of said street or road allowance, in which case the Company shall remove all obstructions and materials placed by the said company on the road allowance described in clause 1, and put said road allowance in as good a condition and repair as it was before said material and obstruction were placed thereon, and in case of said company failing to remove said obstruction and material within ten days after notice to do so, the corporation may remove or cause to be removed said obstructions and materials from said road allowance and to put said road allowance in as good condition and repair as it was before said materials and obstructions were placed thereon, and the expense thereof shall be paid to the said corporation by the said company.

37. The franchise by which this by-law is granted is subject to the right of the Corporation to grant to other companies the right to cross with their railways the tracks of the Company at such places as to the said corporation may appear necessary or advisable, but such crossings are to be put in at the expense of the company applying for the same.

38. The rights, privileges, and franchises granted by this by-law shall be subject to all conditions, provisions, and stipulations contained in this by-law, and subject also to the provisions contained in *The Electric Railway Act*, and amendments thereto.

[Seal.] (Sgd.) WM. ELGIE, Reeve.

(Sgd.) M. S. BLACKBURN, Clerk.

Dated Oct. 6, 1902.

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### SCHEDULE E.

Articles of agreement made this sixteenth day of December, in the year of our Lord, one thousand nine hundred and two, between the corporation of the Town of Dresden (hereinafter called the corporation) of the first part, and the Lambton Central Electric Railway Company (hereinafter called the company) of the second part.

Whereas

Whereas by an Act of the Legislature of the Province of Ontario, passed on the seventeenth day of March. A.D., 1902 entitled, *An Act to Incorporate the Lambton Central Electric Railway Company*, the said company is authorized and empowered to construct and operate a railway through the Town of Dresden subject to any agreement to be made between the Council of the said Town of Dresden and the company, and under and subject to any By-law of the Corporation.

And whereas, the Council of the said Corporation on the fifteenth day of December, in the year of our Lord, one thousand nine hundred and two, passed a By-law numbered 292, granting to the Company certain rights for the construction and maintenance and operation of an electric railway upon and along certain highways of the said Town of Dresden upon and subject to the terms, conditions and agreements, stipulations, regulations, obligations, provisions therein contained, a copy of which By-law is hereunto annexed.

And whereas, these presents are intended to give effect to said By-law and the same have been approved of by the solicitor acting on behalf of the Corporation.

Now these presents witnesseth, that in consideration of the granting of the rights and privileges which are by the said By-law granted by the Corporation to the Company, the Company do for themselves their successors and assigns, covenant, promise and agree to and with the Corporation and their successors in the manner following, that is to say:—

That the Company do hereby accept the said By-law, and that the Company, their successors and assigns will in all things conform to, obey, perform, observe fulfil, and keep all and every the terms, conditions, agreements, stipulations, regulations, obligations, provisions and things in said By-law contained, upon, under and subject to which the said rights and privileges are by the said By-law granted to the Company, and will do and perform all acts, matters and things which the said By-law provides are to be done by or on behalf of the Company, and will not do anything which the said By-law provides is not to be done by the Company.

And the Corporation do hereby ratify and confirm the said By-law and the rights and privileges hereby granted to the Company; subject, however, to all the terms, conditions, agreements, stipulations, regulations, obligations, provisions, and things in the said By-law contained.

In witness whereof the Corporation have caused to be affixed the Corporate Seal, and the Mayor and Clerk have set their hands, and the Company have caused to be affixed their Corporate Seal and their President and Secretary have set their hands the day and year first above written.

Signed, sealed and delivered in presence of:—



ASA RIBBLE,  
Mayor.  
ARTHUR SMITH,  
Clerk.

W. B. COLLINS,  
President.  
F. J. WINTLW,  
Secretary.



#### BY-LAW No. 292

A By-Law to authorize and empower "The Lambton Central Electric Railway Company" to locate and operate a single track iron or steel railway for the passage of cars, carriages and other vehicles adapted to the same, and upon and along certain streets and highways in the Town of Dresden, to declare and prescribe the terms and conditions as to which its railway may be constructed, maintained and operated.

Whereas "The Lambton Central Electric Railway Company" (herein after called the Company) have made application to the Municipal Council



Council of the Town of Dresden for the right and privilege of constructing, maintaining, completing and operating, and from time to time removing and changing as required, a single track iron or steel railway with the necessary side tracks and turn-outs for the passage of cars, carriages and other vehicles adapted to the same, over, upon, and along those portions of the streets and highways in the Town of Dresden hereinafter set forth;

And whereas it is deemed expedient to grant such privilege.

Be it therefore enacted by the Municipal Council of the Corporation of the Town of Dresden:

1. That the said "The Lambton Central Electric Railway Company," its successors and assigns shall, subject to the conditions, limitations, and provisions hereinafter contained, have the right and privilege in so far as the Council has the power to grant the same, of constructing, maintaining, completing, and operating, and from time to time removing and changing as required, a single track iron or steel railway, with the necessary side tracks and turn-outs for the passage of cars, carriages, and other vehicles adapted to the same, upon and along those portions of the streets or roads in the Town of Dresden, viz:—All of Lindsley Street, St. George Street, and North Street, and that part of Metcalfe Avenue extending from Lindsley Street to Main Street.

2. The Company may carry freight and baggage, and charge a reasonable compensation for carrying the same.

3. The Company shall have the right to lease their works or any part thereof, and also the rights and privileges hereby granted, to any person or Corporation, but all the terms of this By-law shall be binding upon any such person or Corporation to whom said works or any part thereof may be leased, and such persons or Corporation shall take subject to the terms and provisions hereof.

4. The tracks of the said railway shall be laid as nearly as practicable in the centre of the said streets.

5. The line or track shall conform to the grade of the streets and shall not change or alter without the consent of the Council.

6. The poles to be used for the wires shall be of cedar or iron, straight and perpendicular, and of uniform size, and shall be dressed throughout, and all such poles shall be placed on the sides of the street in such a manner as to obstruct as little as possible the use of the streets for other purposes.

7. The rails to be used in the streets in the said Corporation shall be the standard "T" rail, and shall be laid in such a manner as shall least obstruct the free passage of vehicles and carriages over the same.

8. The gauge of the said railway shall be four feet eight and one-half inches.

9. The tracks of the said railway, and all the works necessary for constructing and laying the same, shall be constructed in a substantial manner according to the best modern practice.

10. During the construction, re-construction, repair or similar work upon the said railway, a free passage for carriages and vehicles shall be kept open and unobstructed, and immediately after the rails have been laid or re-laid, as the case may be, the street material or pavement removed or dug up in laying or re-laying the rails as aforesaid, shall be replaced with the same class of material in as good and substantial a manner as before removal, and the surface of the street shall be made flush with the rails and the said Company shall not at any time obstruct nor delay the passage of vehicles or passengers over or upon any part of the said streets, except in so far as may be absolutely necessary in the construction, repair, or proper operation of the said railway. All necessary lights, barriers, and watchmen shall be provided by the Company when and where required to prevent accidents to the public.

11. No portion of the said streets greater in length than six hundred feet shall be broken up at any one time, and no portion of the surface of the street shall be kept dug up or disturbed for a greater period than fifteen days, and all surplus street material shall be carefully removed by the said Company or spread over the streets as may be directed by the town council.

12. The Company shall construct and at all times maintain in good repair, crossings for foot passengers and vehicles, similar to those from time to time in use by the Corporation on the said streets at the various places of intersection of the track of the said railway with any street which the same shall cross, to the extent of the width of the track and eighteen inches on each side thereof and extending along said track a sufficient distance to make a complete and efficient crossing over and upon the said track for foot passengers and vehicles; the crossing for foot passengers shall be in line with, and (on each side of the said track) shall connect with the crossings constructed by the Corporation.

13. The space between the rails and to the extent of eighteen inches upon each side thereof shall, by the said Company, be constructed, reconstructed or repaired with the same class of material as may at any time and from time to time be used by the Corporation for the construction, reconstruction, or repair of the remainder of the highway, but in no case shall the Company be obliged to pave such space with stone, brick, or wooden blocks. The space above mentioned (including the said eighteen inches) shall be filled in on a level with the adjoining line of roadway constructed by the Corporation and in as good repair as the said adjoining roadway. Such construction, re-construction and repair shall at all times be done to the satisfaction of this Corporation.

14. The said railway must be laid down and maintained subject to the rights of the Corporation to dig up the streets traversed by the said railway, either for the purpose of repairing said streets, altering the grades thereof, constructing or repairing of drains, sewers, or culvert, laying down or repairing gas or water pipes, and for any other purposes for the time being within the powers of the Corporation, and whenever the public or private convenience may require and in case any such works or repairs necessitate the temporary removal of any part of the railway track or any other portion of the works of the Company, the Corporation, its servants, agents or workmen may, at the expense of the Corporation, remove such part of the track or other works of the Company without incurring any liability whatever to the Company therefor, nor for any loss or damage caused thereby, but the Corporation shall use due diligence in making and doing all such works and repairs and shall replace the railway track or any other part of the works of the Company and leave it in as good condition as before.

15. Whenever it shall be necessary to remove any snow or ice from the tracks, switches, or turn-outs of the said railway, the same shall be removed by the said company and spread in such a manner as not to obstruct a free passage of sleighs or other vehicles along and across such street, and if such snow or ice shall not be removed within twenty-four hours of receipt of notice in writing from the clerk of the corporation to be given to any officer of the Company, it may then be removed or evenly spread by the Corporation who shall be entitled to collect from the Company the cost of such work. The use of salt for removing snow or ice from any of the said tracks is hereby prohibited, excepting where it may be required for removing snow or ice from any switch points, frogs, wing-rails, guard-rails, or signals.

16. Whenever by reason of snow or ice, the tracks of the said company shall be obstructed to such an extent as to interfere with the running of the cars of the said company, the company is authorized to use a sufficient number of sleighs, waggons, or other vehicles, as if the same were cars of the said company, and being run on the track of said company.

17. The rate of speed of the cars within the Town of Dresden shall not exceed ten miles an hour, and when the cars of the Company are turning a crossing from one street to another the same shall not be driven at a rate faster than four miles an hour.

18. No cars shall be allowed to stop on a crossing or in front of an intersecting street, except to avoid a collision, or to prevent injury to persons in the street or for any other good cause, nor shall any car be left on or remain standing on any street at any time unless the same is being used and waiting for passengers.

19. After sunset the cars shall be provided with colored signals lights for the front and rear, and a bright head-light on every motor car, and each motor car shall have a gong attached to it which shall be kept ringing at all times when approaching a crossing or when necessary to give warning. There shall be not less than two men in charge of each motor car and an additional man in charge of each trailer in excess of one.

20. It shall and may be lawful to and for all and every person or persons whatever to travel upon and use the said tracks with their vehicles loaded or empty when and so often as they may please, provided they do not impede or interfere with the cars of the Company running thereon.

21. The cars shall be entitled to the track and every vehicle upon the track of the Company shall turn out when any car comes up, so as to leave the track unobstructed, and any driver of a vehicle refusing to turn out when warned or requested so to do by the driver of any car shall be liable to a fine not exceeding ten dollars (\$10.00) exclusive of costs to be imposed by any justice of the peace for the County of Kent, having jurisdiction in the said Town of Dresden, and in case of non-payment to be collected by distress, the offender may be imprisoned in the common jail in the County of Kent for a period not exceeding twenty-one days with or without hard labor.

22. The fares to be charged by the said Company shall not exceed the rate per mile of two cents for each person, but all children under five years of age, when accompanied by parent or any other person having them in charge and not occupying a seat, shall be carried free, but the Company shall not be bound to carry any passenger any distance for less than five cents, except children as aforesaid; and between the hours of eleven in the evening and six in the morning the Company shall have the right to charge double the said fare.

23. In case the said Railway Company shall, at their own cost, reconstruct, add to, or strengthen, to the satisfaction of an engineer appointed by the Corporation, the bridge on St. George Street crossing the River Sydenham, or any bridge that may be substituted therefor, the Company shall have the right and privilege of using for their purposes the said bridge or any bridge substituted therefor with full rights to construct, erect, and maintain any and all work necessary to the operation of their railway, provided always that the same shall be so constructed, maintained, and operated as not to interfere with the use or operation of said bridge by the public, and provided that the Company shall at all times hereafter at their own cost make such repairs to said bridge as may be necessary as a result of their using the same.

24. Where it is necessary in constructing their railway for the boundary fences to be set back, so that the Company's track shall not interfere with the travelled portion of the highway, the Company shall deal with the owners of the adjacent land.

25. All the property of the Company used in connection with the construction and operation of the railway and other objects covered by this by-law and appertaining thereto, and the income derived therefrom by the Company shall be exempt from taxation and from all local improvements, rates, and charges for a period of twenty-one years from the final passing hereof, and as far as the said Corporation has the power to grant the same or to recommend the same, such exemption may continue and  
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be for a further period of ten years, and the said Corporation may consent to any necessary legislation in that behalf, provided, however, that this exemption shall not apply to school rates.

26. The Company shall have the right to carry freight, express or mail matter within or through the said Municipality, and charge a reasonable compensation for carrying the same.

27. So far as the Municipal Council has power to grant the same, the Company may deflect its line from the said streets, roads and highways, and operate the same along and across private properties after expropriating the necessary rights of way under the provisions of the Statute in that behalf, or otherwise acquiring the same.

28. Where the said Company shall operate their line along a private right of way, and the said railway crosses the highway intersecting the said highways referred to in sub sections of Clause I of this by-law, the privileges and exemptions hereby granted by this by-law shall extend and be applicable to such crossings of said intersecting highways.

29. The Municipality shall join with the Company in any petition or application which the Company may make to obtain the privilege of crossing the railway track of any steam railway which it may be necessary for the Company to cross under the provisions of this by-law, but the Corporation shall not be required or compelled to incur any expense therewith.

30. The Corporation shall join with the Company in applying to the Legislature of the Province of Ontario for legislation confirming, ratifying, and legalizing this by-law and the agreement to be entered into between the Corporation and the Company pursuant thereto, but the Company shall pay all costs of such legislation, including the costs of the Corporation, if any.

31. This by-law and the powers and privileges hereby granted shall not take effect or be binding on the said Corporation unless and until formally accepted by the said Company within sixty days after the final passing of this by-law by an agreement that shall legally bind the said Company to observe and comply with all agreements, obligations, terms and conditions herein contained, and which agreement shall be approved by the Town Solicitor and executed by the Company and under the seal of the said Corporation by the Mayor and Clerk.

32. The Corporation shall not be liable to the Company for any encroachment of ditches or drains upon, towards, or under the tracks of the Company, and the Corporation shall have the right to require the tracks to be located at such distance from said drains and ditches as it may appear necessary to the said Corporation to have the same in order that such tracks may not interfere with such drains or ditches.

33. If any person, persons, or corporation shall desire to remove any building or buildings or other similar structure across, or along the track of the railway where the same is situate upon the travelled highway, they shall have the right to do so and have a reasonable time therefor, provided that the said person, persons or corporation shall give the Company two days' notice of their intention to remove such building, buildings, or other similar structure, and of the time and place where it is intended to cross the Company's property and shall repay to the Company the actual cost and expense incurred by the Company thereby.

34. The rights, privileges, and franchises granted by this by-law shall be subject to all conditions, provisions, and stipulations contained in *The Electric Railway Act* and amendments thereto.

35. The Company shall indemnify and hold harmless the said Corporation from all loss, costs, damages, and expenses of any kind which may be incurred in consequence of any litigation in connection with anything done or permitted under the provisions of this by-law, or in consequence of the construction or operation of the Company's railway or other works

36. The franchise which by this by-law is granted is subject to the rights of the Corporation to grant to other companies the right to cross with their railway the track of the Company at such places as to the said Corporation may appear necessary or advisable, but such crossings are to be put in at the expense of the Company applying for the same.

37. Should the Corporation at any time hereafter pave or repave the said streets or any part thereof, in any and every such case the Company shall pay to the Corporation any increase in the cost of such paving or repaving occasioned by the track of the Company or by the possession or user of said streets by the Company.

38. Provided the Company shall faithfully observe, perform and keep the terms, conditions and obligations in this by-law contained, and on their part to be observed, performed and kept, the privileges granted to them under this by-law shall continue for a term of thirty years after the passing of this by-law, and upon the expiration of such term of thirty years such privileges shall be granted to the Company for a further term of twenty years upon such terms and conditions as may then have been agreed upon by the said Corporation and said Company, but, in case no such agreement shall have been arrived at prior to the expiration of said term of twenty years then upon such terms and conditions as may be settled by the award of two arbitrators, one to be appointed by each of the said parties under the provisions of *The Arbitration Act*.

39. Within sixty days after the final passing of this by-law the said Company shall execute and deliver to the Corporation an agreement in writing binding the Company on their part to carry out the terms and provisions of this by-law. Within two years after such final passing, the said Company shall make a bona fide commencement in the construction of said railway and shall carry on such construction continuously without unnecessary interruption or delay and shall have said railway completed and ready for traffic and active operation from the northern limit of Dawn to the Town of Dresden on or before the expiration of four years after the passing of this by-law. After the completion of said railway said Company shall operate the same continuously and shall not at any time thereafter cease to operate the same for a period of time greater than ninety days. Should the Company from time to time or at any time commit a breach of any of the provisions of this section, this By-law and any agreement upon the part of the Corporation shall immediately become void and of no effect, all concessions and privileges hereby granted to the Company shall be cancelled and forfeited, and all rails, ties, and other material (if any) then upon the streets of Dresden shall become the property of the Corporation.

40. Should the Company at any time neglect or refuse to perform or do any of the work or repair hereby required to be done by them upon the said streets or any of them for a period of twenty-four hours after the service by the Corporation upon any employee of the Company of a notice in writing requiring such work or repair to be done, the Corporation may (but shall not be required to) have such work or repair done and may collect the cost thereof from the Company.

ASA RIBBLE,

Mayor.

ARTHUR SMITH,

Clerk.

[Seal.]

## SCHEDULE F.

Articles of Agreement, made this 19th day of March in the year of our Lord one thousand nine hundred and three, between the Corporation of the Village of Oil Springs (hereinafter called the Corporation), of the first part, and The Lambton Central Electric Railway Company (hereinafter called the Company), of the second part.

Whereas by an Act of the Legislature of the Province of Ontario passed on the seventeenth day of March, A. D. 1902, entitled *An Act to incorporate the Lambton Central Electric Railway Company*, the said Company is authorized and empowered to construct and operate a railway through the Village of Oil Springs subject to any agreement to be made between the Council of the said Village of Oil Springs and the Company and under and subject to any by-law of the Corporation.

And whereas the Council of the said Corporation on the 5th day of March, in the year of our Lord one thousand nine hundred and three, passed a By-law numbered Two granting to the Company certain rights for the construction and maintenance and operation of an electric railway upon and along certain highways of the said Village of Oil Springs upon and subject to the terms, conditions, agreements, stipulations, regulations, obligations, provisions and things therein contained, a copy of which said by-law is hereunto annexed.

And whereas these presents are intended to give effect to said by-law and the same have been approved by the Solicitor acting on behalf of the Corporation.

Now these presents witnesseth, that in consideration of the granting of the rights and privileges which are by the said by-law granted by the Corporation to the Company, the Company do, for themselves, their successors and assigns, covenant, promise and agree to and with the Corporation and their successors in manner following, that is to say:—

That the Company do hereby accept the said by-law, and that the Company, their successors and assigns will in all things conform to, obey, perform, observe, fulfil, and keep, all and every the terms, conditions, agreements, stipulations, regulations, obligations, provisions, and things, in said by-law contained, upon, under, and subject to which the said rights and privileges are by the said by-law granted to the Company, and will do and perform all acts, matters and things which the said by-law provides are to be done by or on behalf of the Company, and will not do anything which the said by-law provides is not to be done by the Company.

And the Corporation do hereby ratify and confirm the said by-law and the rights and privileges thereby granted to the Company; subject, however, to all the terms, conditions, agreements, stipulations, regulations, obligations, provisions, and things in the said By-law contained.

In witness whereof the Corporation have caused to be affixed the Corporate Seal, and the Reeve and Clerk have set their hands, and the Company have caused to be affixed their Corporate Seal and their President and Secretary have set their hands the day and year first above written.

Signed, Sealed and Delivered  
in the presence of

}

W. B. COLLINS,  
President. [Seal]  
F. J. WINLOW,  
Secretary.

W. J. GRIFFIN,  
Reeve. [Seal]

D. P. SISK,  
Clerk.

By-law



## BY-LAW No. 2, OF 1903.

A By-Law to authorize and empower "The Lambton Central Electric Railway Company" to locate and operate a single iron or steel railway for the passage of cars, carriages and other vehicles adapted to the same, in and upon and along certain streets and highways in the Village of Oil Springs, and to declare and prescribe the terms and conditions on which its railway may be constructed, maintained and operated.

Whereas "The Lambton Central Electric Railway Company" (hereinafter called the Company) have made application to the Municipal Council of the Corporation of the Village of Oil Springs, for the right and privilege of constructing, maintaining, completing and operating, and from time to time removing and changing as required, a single iron or steel railway with the necessary side-tracks and turn-outs for the passage of cars, carriages and other vehicles adapted to the same over, upon and along those portions of the streets and highways in the Village of Oil Springs hereinafter set forth ;

And whereas it is deemed expedient to grant such privilege ;

Be it therefore enacted by the Municipal Council of the Corporation of the Village of Oil Springs :—

1. That the said "Lambton Central Electric Railway Company," its successors and assigns, shall, subject to the conditions, limitations and provisions hereinafter contained have the right and privilege in so far as the Council has power to grant the same, of constructing, maintaining, completing and operating, and from time to time removing and changing, as required, a single iron or steel railway, with the necessary side-tracks and turn-outs for the passage of cars, carriages and other vehicles adapted to the same upon and along those portions of the streets or roads in the Village of Oil Springs, viz:—

(a) The original allowance for a road between lots fifteen and sixteen, formerly of the Township of Enniskillen, and known as "The County Road" as to so much thereof as is within the territorial limits of the Village of Oil Springs.

(b) Victoria Avenue, commencing at its intersection with the westerly limit of the County Road and running easterly to the easterly limit produced of the Kelly Road.

(c) Elizabeth Street from its intersection with Victoria Avenue to the southerly limit of the Village of Oil Springs.

2. The Company may carry freight and baggage, and charge a reasonable compensation for carrying the same.

3. The Company shall have the right to lease their works or any part thereof, and also the rights and privileges hereby granted, to any person or corporation, but all the terms of this by-law shall be binding upon any such person or corporation to whom said works or any part thereof may be leased, and such person or corporation shall take subject to the terms and provisions hereof.

4. Such railway shall consist of a single track with all necessary switches, sidetracks and turnouts laid down as required by law and shall be laid down in such position or location on such highways and in such manner as shall be approved of by the Village Council, and shall be located on the side of the road or on such portion of the graded part of the highway or partly on the side and partly on the graded part, as the said Council shall elect.

5. The tracks of the said Company and all work necessary for constructing and laying the same shall be built and made in a substantial manner and the streets on which any work is done by the Company shall by and at

at the expense of the Company be left in as good a state and condition when the rails are laid and other necessary work of the Company is done as they were at the time they were broken up or interfered with by the Company, and the rails shall be laid, kept and maintained by and at the expense of the Company flush with the grade of the said streets and in such manner as shall least obstruct the free and ordinary use of the streets and the passage of vehicles and carriages over the same and the tracks shall conform to the grades of the streets upon and along which the same shall be laid as the same now are or shall hereafter be established prior to the construction of the road and shall not in any way alter or change the same or vary therefrom, and for the purposes of this By-law the Corporation shall upon the request of the Company determine the grades of the said streets to be used by the Company, and all of such work to be done to the satisfaction of the Council.

6. The poles to be used for the wires shall be of cedar or iron straight and perpendicular and of uniform size, and all such poles shall be placed on the sides of the streets at such places as the council may approve of, and in such a manner as to obstruct as little as possible the use of the streets for other purposes, and the wires and overhead construction shall not be less than eighteen feet above the rails.

7. The rails to be used in the streets in the said corporation shall be the standard "T" rail, and shall be laid in such a manner as shall least obstruct the free passage of vehicles over the same.

8. The gauge of the said railway shall be four feet, eight and one-half inches.

9. The tracks of the said railway and all works necessary for constructing and laying the same, shall be constructed in a substantial manner, according to the best modern practice. During the operation of laying, removing and re-laying the rails, a free passage for vehicles and carriages over the streets and highways shall be kept open and not obstructed, and immediately after the rails shall have been laid or re-laid, as the case may be the material removed or dug up in laying or re-laying as aforesaid, shall be either removed from or spread over the street or highway from which the same shall have been taken, as shall be directed by the village council or such person as they may depute.

10. Space between the rails of the said railway and the roadway to a distance of eighteen inches on both sides thereof shall be constructed by the Company so as to be even with the adjoining portions of the highway, and in a solid and substantial condition, and shall be maintained by the Company in a condition that traffic shall not be obstructed or impeded; and where the track shall cross the highway it shall be constructed and maintained even with the grade of the highway, and in every case to the satisfaction of the said municipal council; and the said company shall also be bound to construct and keep in repair crossings of a character provided by the said municipality, and shall be planked between the rails and for one foot on each side thereof, which planks shall be kept level or flush with the rails; and wherever farm crossings or bridges or culverts over waterways, including drains of all kinds, are found by the municipal council to be necessary for drainage or other purposes, the same shall be constructed and maintained by the Company at such places and in a manner to be approved of by the said municipal council, but in case of tile drains, the owner of the adjoining lands shall pay the Company such sum as it would have cost to put in the drain across the railroad had such railroad not been there. Where the railway track is not constructed on the travelled portion of the highway, every owner of adjacent land, whether as now or hereafter subdivided, shall be entitled to a farm crossing over the Company's road.

11. Suitable crossings of a character satisfactory to the Council shall be constructed and kept in good repair by the Company at all highways and farm crossings; and the track of the said Company shall cross the channels

on all of the creeks and streams which intersect the said railroad on separate bridges of their own construction ; and in no event shall the said company lay their track on the public highway, bridges or culverts crossing such streams except with the concurrence of the Municipal Council expressed by by-law.

12. No portion of the surface of the streets shall be kept dug up or disturbed for a greater period than thirty days, and all surplus street material shall be carefully removed by the said Company or spread over the streets as may be directed by the Village Council.

13. The said railway must be laid down and maintained subject to the rights of the Corporation to dig up the streets traversed by the said railway, either for the purpose of repairing said streets, altering the grades thereof, constructing or repairing of drains, sewers or culverts, laying down or repairing gas, oil, water or any other pipes or telegraph lines and for any other purposes for the time being within the powers of the Corporation to carry out or to give permission to others to carry out whenever the public or private convenience may require, but the Corporation shall use due diligence in making and doing all such works and repairs, and in case any such works or repairs necessitate the temporary removal of any part of the railway track or any other portion of the works of the Company then such track shall be removed and replaced or such other work as may be incidental thereto shall be done by the Company at its own expense.

14. Whenever it shall become necessary by this Corporation to pave any street occupied by the railway track of the Company that portion of the street embraced between the rails of such tracks, switches and turnouts, and eighteen inches on each side of said track, shall be paved by and maintained by and at the expense of said Corporation except in so far as additional expense (if any) may be incurred by reason of the existence of the railway, track which additional expense shall be borne by the Company and in case any damage to any part of the pavement is occasioned by the railway, the Company shall repair or replace the pavement, all such repairs to be to the satisfaction of the Village Council.

15. The space between the rails and to the extent of eighteen inches on either side shall be filled in, and graded up by the said Company with the same class of material as the remainder of the highway over which the said railway shall be built, to the satisfaction of the Village Council, and such filling in shall be done in such a way as to leave the space between the rails on the same level as the balance of the roadway.

16. Whenever it shall be necessary to remove any snow or ice from the tracks, switches or turnouts of the said railway, the same shall be removed by the said Company and spread in such a manner as not to obstruct a free passage of sleighs or other vehicles along and across such street, and if such snow or ice shall not be removed within twenty-four hours of receipt of notice in writing from the clerk of the Village of Oil Springs to be given to any Officer of the Company, it may then be removed or evenly spread by the Corporation, who shall be entitled to collect from the Company the cost of such work. The use of salt for removing snow or ice from any of the said tracks is prohibited ; excepting where it may be required for removing snow or ice from any switch points, frogs, wing-rails, guard-rails or signals.

17. Whenever, by reason of snow or ice, the tracks of the said Company shall be obstructed to such an extent as to interfere with the running of the cars of the said Company, the said Company is authorized to use a sufficient number of sleighs, waggons or other vehicles as if the same were cars of the Company, and being run on the track of the said Company.

18. The rate of speed of the cars within the Village of Oil Springs shall not exceed ten miles an hour, and when the cars of the Company are turning a crossing from one street to another the same shall not be driven at a rate faster than four miles an hour.



19. The number of trips shall not be less than four each way daily, unless prevented by unavoidable accident or obstruction caused by storms or other causes beyond the control of the Company.

20. No cars shall be allowed to stop on a crossing, or in front of an intersecting street, except to avoid a collision, or to prevent injury to persons in the street or for any other good cause, nor shall any car be left on or remain standing on any street at any time, unless the same is being used and waiting for passengers.

21. After sunset the cars shall be provided with colored signal lights for the front and rear and a bright headlight on every motor-car, and each motor-car shall have a gong attached to it which shall be kept ringing at all times when approaching a crossing or when necessary to give warning. There shall be not less than two men in charge of each motor-car and an additional man in charge of each trailer in excess of one.

22. The cars upon said railway shall be of modern type, propelled by electricity, or with the consent of the said Corporation expressed by By-law, any other motive power except steam, which is or may become suitable for railway purposes, provided however, that in the event of the freight business of the Company increasing to such an extent as to render the handling of freight by electricity impracticable the said Company shall have the privilege of hauling said freight cars by means of dummy engines with steam as a motive power, and in the event of said dummy engines being used, the same shall only be operated between eleven o'clock in the evening and six o'clock in the morning. Provided also that the said Company shall have the privilege of using steam as a motive power for construction purposes during the construction of said railway. And all motor-cars shall be provided with fenders of a modern and up-to-date type.

23. It shall and may be lawful to and for all and every person or persons whatever to travel upon and use the said tracks with their vehicles, loaded or empty, when and so often as they may please, provided they do not interfere or impede with the cars of the Company running thereon.

24. The cars shall be entitled to the track, and every vehicle upon the track of the Company shall turn out when any car comes up so as to leave the track unobstructed, and any driver of a vehicle refusing to turn out when warned or requested so to do by the driver of any car, shall be liable to a fine not exceeding ten dollars, exclusive of costs to be imposed by any Justice of the Peace for the County of Lambton, having jurisdiction in the said Village of Oil Springs, and in case of non-payment, to be collected by distress and sale of the goods of the offender; and in default of sufficient distress, the offender may be imprisoned in the common jail in the County of Lambton, for a period not exceeding twenty-one days with or without hard labor.

25. The said Company shall commence the construction of the said railway not later than the 1st day of January, 1905, and shall complete the same by December 31st, 1905, and immediately thereafter operate the same.

26. The Company may charge and collect from any person entering any of their cars for a continuous journey within the limits of the Village of Oil Springs as now existing or as hereafter extended a sum not exceeding five cents, except for children under five years of age, accompanied by some adult having them in charge and not occupying a seat, but such children shall travel free, provided the said Company shall have the right to double said fares between eleven o'clock in the evening and six o'clock in the morning. Any Conductor or other employee of the Company who shall knowingly collect of any passenger more than the fare prescribed by this by-law shall on conviction thereof in the proper Court pay a fine of not less than five dollars for each such offence.

27. The rights and privileges granted by this by-law shall extend over a period of thirty years from the date of acceptance of the said Company and shall be renewable for a further period of twenty years upon such terms and conditions as may be agreed upon between the said Corporation and the said Company, or in case of disagreement between the said parties, upon such terms and conditions as may be determined by arbitration under the provisions of *The Municipal Act*, and in the event of Legislation being sought to legalize or authorise such renewal or renewals for such further term of years the said Corporation shall at once upon request being made by the said Company and at the expense of the said Company aid in procuring such legislation.

28. Should the Company fail to complete the said railway or to commence operating the same within the time limited by this By-law, or should the said Company after completion fail to continue to operate the same or to comply with the provisions of this By-law contained for the space of three months after written notice of such neglect or default shall have been served on the Company, then the said persons and Company shall forfeit all privileges and rights they have acquired by said grant or under this by-law, and the Corporation shall have the right to remove all materials and obstructions from the highways at the expense of the Company.

29. All the property of the Company used in connection with the construction and operation of the railway and other objects covered by this by-law and appertaining thereto, and the income derived therefrom by the Company, shall be exempt from taxation and from all local improvements rates and charges for a period of twenty-one years from the passing hereof, and as far as the said corporation has the power to grant the same, such exemption may continue and be for a further period of ten years, and the said corporation may consent to any necessary legislation in that behalf, provided, however, that this exemption shall not apply to school rates.

30. The Company shall have the right to carry freight, express or mail matter within or through the said municipality, and charge a reasonable compensation for carrying the same. In the event of the said company seeing fit to run cars for carrying milk, the said cars may be operated on Sunday for the purpose, and a reasonable compensation charged for carrying the said milk. So far as the municipal council has power to grant the same, the Company may deflect its line from the said streets, roads and highways, and operate the same along and across private properties, after appropriating the necessary rights of way under the provisions of the Statute in that behalf, or otherwise acquiring the same.

31. Where the said company shall operate their line along a private right of way, and the said railway crosses the highway intersecting the said highways referred to in subsections of clause 1 of this by-law, the privileges and exemptions hereby granted by this by-law shall extend, and be applicable to such crossings of said intersecting highways.

32. The Municipality shall join with the Company in any petition or application which the Company may make to obtain the privilege of crossing the railway track of any steam railway which it may be necessary for the Company to cross, under the provisions of this by-law, but the Corporation shall not be required or compelled to incur any expense therewith, and the Company shall pay the expenses of the Corporation (if any.)

33. The Corporation shall join with the Company in applying to the Legislature of the Province of Ontario, for legislation confirming, ratifying and legalizing this by-law and the agreement to be entered into between the Corporation and the Company pursuant thereto, but the Company shall pay all the costs of such legislation, including the costs of the Corporation (if any).

34. This by-law and the powers and privileges hereby granted shall not take effect or be binding on the said Corporation unless and until formally accepted by the said Company within sixty days after the final passing

passing of this by-law by an agreement that shall legally bind the said Company to observe and comply with all agreements, obligations, terms and conditions herein contained, and which agreement shall be approved by the village solicitor and executed by the Company and under the seal of the said Corporation by the Reeve and Cler.

35. The Corporation shall not be liable to the Company for any encroachment of ditches or drains upon, towards, or under the tracks of the Company, and the Corporation shall have the right to require the tracks to be located at such distances from the said drains and ditches as it may appear necessary to the said Corporation to have the same in order that such tracks may not interfere with such drains or ditches.

36. If any person, persons or Corporation shall desire to remove any building or buildings or other large structures across, or if in the village along the track of the railway where the same is situate upon the travelled highway, they shall have the right to do so and have a reasonable time therefor, provided that the said person, persons or Corporation shall give the Company two days' notice of their intention to remove such building, buildings or other structure and of the time and place where it is intended to cross the Company's property, and the Company's wires and overhead construction shall be removed and replaced at the expense of the Company. But in the event of such person, persons or Corporation failing to attend at the place for which such notice shall have been given within three hours after the time so notified then he or they shall bear any expense which the Company shall be at or put to by reason of such failure, unless reasonable notice has previously been given to said Company of the intention of such person, persons or Corporation not to attend according to the terms of such notice.

37. The rights, privileges and franchises granted by this by-law shall be subject to all conditions, provisions and stipulations contained in the *Electric Railway Act* and amendments thereto or substitutions therefor, but where the provisions of said Acts and this by-law are dissimilar then the provisions of this by-law shall govern.

38. The Company shall indemnify and hold harmless the said Corporation from all loss, cost, damages and expenses of any kind which may be incurred in consequence of any litigation in connection with anything done or permitted under the provisions of this by-law or on account of its being passed or in consequence of the construction, existence or operation of the Company's railway or other works.

39. The franchise which, by this by-law is granted, is subject to the right of the Corporation to grant to other companies the right to cross with their railway the track of the Company at such places as to the said Corporation may appear necessary or advisable but such crossings are to be put in at the expense of the Company applying for the same and this franchise is granted subject to all existing rights in any person or persons, Company or Corporation whatsoever, outstanding against the village.

40. All provisions of this by-law (if any) which are beyond the jurisdiction of the said Corporation to enact, shall not operate or come into force or effect until the same is sanctioned, ratified and confirmed by the Legislature of the Province of Ontario.

(Seal.)

Signed.

{ W. F. GRIFFIN, Reeve.  
D. P. SISK, Clerk.

Finally passed March 5th, 1903.



## CHAPTER 104

## An Act to incorporate The London, Parkhill and Grand Bend Electric Railway Company.

*Assented to 12th June, 1903.*

**W**HEREAS Oliver Baird, manufacturer, John M. Gibbs, Preamble. merchant, Albert E. Mullin, dentist, Charles A. Gibbs, merchant, and Alexander A. Mactavish, esquire, all of the Town of Parkhill, in the county of Middlesex, have by their petition prayed for an Act of incorporation under the name of "The London, Parkhill and Grand Bend Electric Railway Company," for the purpose of constructing and operating by electricity, compressed air, or any other motive power approved by the Commissioner of Public Works, except steam, a railway from some point on or near the south shore of Lake Huron, and at or near the boundary between the counties of Lambton and Huron, to a point in or near the City of London, passing through the township of Stephen in the county of Huron, the townships of McGillivray, West Williams, East Williams, Lobo and London in the county of Middlesex, to the City of London, and in its course through said townships passing through or touching at the Town of Parkhill and at any or all of the various towns and villages lying in its route; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said Oliver Baird, John M. Gibbs, Albert E. Mullin, Incorporation. Charles A. Gibbs, and Alexander A. Mactavish, and such other persons, firms, and corporations as shall hereafter become shareholders of the said company are hereby constituted a body corporate and politic under the name of "The London, Parkhill and Grand Bend Electric Railway Company."

2. The said company is hereby authorized and empowered Location of line. to survey, lay out, construct, complete, equip, maintain and operate by electricity, compressed air, or any other motive power approved by the Commissioner of Public Works, except steam, and from time to time alter, remove and change a double or single track iron or steel railway of the gauge of four feet, eight and a half inches, with all the necessary  
61 s. branches,

branches, switches, side-tracks and turn-outs for the passage of cars, carriages, motors and other vehicles adapted to the same from some point in or near the south shore of Lake Huron, and at or near the boundary between the counties of Lambton and Huron to a point in or near the City of London, passing through the township of Stephen in the county of Huron, the townships of McGillivray, West Williams, East Williams, Lobo and London in the county of Middlesex, to the said City of London, and in its course through said townships, passing through or touching at the Town of Parkhill and at any or all of the various towns and villages lying in its route; the said railway or any part thereof may be carried along and upon such public highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same, and subject to the restrictions and provisions therein and in this Act contained, and under and subject to any agreements made or hereafter to be made between the said company and the councils of any of the said corporations and between the company and the road companies (if any) interested in such highways; and the company may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway, subject to the provisions and conditions contained in this Act *The Electric Railway Act*, and in *The Municipal Act* and any Act or Acts amending the same.

Rev. Stat.  
c. 209.  
Rev. Stat.  
c. 223.

Construction  
of line by  
sections.

Rev. Stat.  
c. 109, s. 27.

3. The company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the said railway is to pass, together with the map or plan thereof, and of their course and direction and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also a statement in accordance with the provisions of section 27 of *The Electric Railway Act*, and to deposit the same as required by the clauses of the said *Electric Railway Act*, and amendments thereto, with respect to plans and surveys, by sections or portions less than the length of the whole railway authorized, of such length as the company may from time to time see fit, so that no one of such sections or portions shall be less than ten miles in length; and upon such deposit as aforesaid of the map or plan and statement of any and each of such sections or portions of said railway, all and every of the clauses of the said *Electric Railway Act* and the amendments thereof, applied to, included in or incorporated with this Act, shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof, and of their whole course and direction, and of the lands intended to be passed over and taken and the statement of the whole of said railway had been taken, made, examined,

examined, certified and deposited according to the clauses of the said Electric Railway Act and the amendments thereof, with respect to plans and surveys. The construction of the railway in sections may be commenced at such point in the line of railway as the directors may determine, but the said work of construction shall be carried on from such point by sections continuing therefrom so as to form at all times one continuous line of railway; provided however, that the Lieutenant-Governor in Council may sanction and approve of the construction by sections at different points, and not continuously, along said line of railway. Proviso.

4. The said Oliver Baird, John M. Gibbs, Albert E. Mullin, Charles A. Gibbs, and Alexander A. Mactavish, shall be and are hereby constituted a board of provisional directors of the said company, of whom a majority shall be a quorum, and shall hold office as such until other directors shall be appointed under the provisions of *The Electric Railway Act*. Provisional directors.  
Rev. Stat. c. 209.

5. The number of directors shall be not less than five nor more than nine. Number of directors.

6. The head office of the said company shall be at the Town of Parkhill, in the county of Middlesex, and all meetings of the provisional board of directors of the company shall be held at the said Town of Parkhill, or at such other place as may best suit the interests of the company. Head office

7. The capital stock of the company shall be \$100,000, to be divided into 1,000 shares of \$100 each. Capital stock

The capital stock of the said company shall be applied and appropriated towards construction of the said railway in the following manner:

- (1) \$40,000 to the section or branch from Grand Bend to Parkhill.
- (2) \$30,000 to the section or branch from Parkhill to Poplar Hill.
- (3) \$30,000 to the section or branch from Poplar Hill to London.

8. When and so soon as twenty-five per centum of the capital stock appropriated to any section or branch shall be subscribed and ten per centum of such authorized capital has been paid in cash to the credit of the company into some chartered bank of the Dominion having an office in the Province of Ontario, and which shall on no account be withdrawn therefrom unless for the services of the Company, the provisional directors or a majority of them present at a meeting duly called for the purpose shall call a general meeting of the shareholders of the company for the purpose of organization. Meeting for organization.  
Rev. Stat. c. 209, s. 52.

9. The date of the annual general meeting of the shareholders shall be fixed by the by-laws of the said company. Date of annual meeting.



Making  
certain  
payments in  
paid-up stock.

**10.** The directors may enter into a contract or contracts with any individual, corporation or association of individuals for the construction or equipment of the railway or any part thereof, including or excluding the purchase of right of way, and may pay therefor either in whole or in part, either in cash or bonds, or in paid-up stock, and may pay or agree to pay in paid up stock or in bonds of the said company, such sums as they may deem expedient to engineers or for the right of way or material, plant, or rolling stock, and also for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors and furthering the undertaking, or for the purchase of the right of way, material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not; provided that no such contract shall be of any force or validity unless first authorized by resolution passed by the votes of the shareholders in person or by proxy, representing two-thirds in value of the subscribed capital stock and on which no call is in default and unpaid, at a general meeting specially called for that purpose.

Tolls on fruit,  
milk, etc.

**11.** The company may make uniform special rates for the carriage of fruit, milk and other perishable goods.

Laying rails  
on highways.

Rev. Stat., c.  
223.

**12.** Any municipality through which the said railway passes and having jurisdiction in the premises may, subject to the provisions and conditions contained in this Act, *The Municipal Act* and any Act or Acts amending the same, and subject also to the terms of, and, unless restricted by any agreement lawfully entered into between any such municipality and any other railway or street railway company, pass a by-law or by-laws empowering the said company to make their road and lay their rails along any of the highways within such municipality, including any road in the possession or under the control of any road company, and if such highways be in the possession of or under the control of any road company then also with the consent of and subject to the conditions imposed by such road company, and under and subject to any agreement or agreements hereafter to be made between any such municipality and the said company, and it shall and may be lawful for the said company to enter into and perform any such agreements as they may from time to time deem expedient with any municipality, corporation or person for the construction or for the maintenance and repair of gravel or other public roads leading to or used by the said railway.

Running  
arrangements  
and connec-  
tions with  
other compa-  
nies.

**13.** The said company shall have power to agree for connections and making running arrangements with any company or companies now or hereafter lawfully authorized to construct and operate a railway or railways in the municipalities named in section 2 of this Act, if lawfully empowered

empowered to enter into any such agreement, upon terms to be first authorized by two-thirds in value of the shareholders at a special general meeting to be held for that purpose, and it shall also be lawful for the said company to enter into an agreement or agreements, with the said companies or any of them, if lawfully authorized to enter into any such agreement, for the sale, or leasing, or hiring of any portion of the railway herein authorized or the use thereof, or for the sale, or leasing, or hiring any motors, carriages or cars, or any of them, or of any part thereof, or touching any service to be rendered by one company to the other, and the compensation therefor, if the arrangements and agreements shall be so authorized by two-thirds in value of the shareholders voting in person or by proxy at a special general meeting to be called for that purpose, and every such agreement shall be valid and binding according to the terms and tenor thereof; and the company purchasing, leasing or entering into such agreement for using the said railway, may and are hereby authorized to work the said railway, in the same manner as if incorporated with their own line, subject to the provisions of any by-law or by-laws of the said municipality which may from time to time be in force so far as the same may affect the company hereby incorporated, or the railway to be built under the authority of this Act; provided that electric power, compressed air or any other motive power approved of by the Commissioner of Public Works, except steam, only shall be used in operating any portion of the said railway or any section or branch thereof; provided also that no such agreement for connections, running arrangements, sale, leasing or hiring of the said railway or any portion thereof, shall be entered into by the said company, unless and until the consent of the corporation of the municipality or municipalities having jurisdiction in that respect has first been obtained thereto; but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

Proviso.

14. The authority and power conferred upon the company by this Act to enter into agreements with any other railway company for connections, running arrangements, sale, lease or hiring the said railway shall be subject to such terms, conditions and regulations as may be provided and enacted by any general or special Act or Acts which may at the time such agreement is entered into be in force and to such terms, conditions and regulations, General or Special, as the Lieutenant-Governor-in-Council or any Special Committee of the Executive Council of Ontario appointed for that purpose may from time to time order.

Power as to agreements with other companies to be subject to regulations.

15. The several clauses of *The Electric Railway Act*, and of every Act in amendment thereof, shall be incorporated with and be deemed to be part of this Act, and shall apply

Application of Electric Railway Act. Rev. Stat. to c. 209.

to the company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein, shall be understood to include the clauses of the said Electric Railway Act, and of every Act in amendment thereof so incorporated with this Act.

Bonding  
powers.

16. The directors of the said company shall have power to issue bonds and debentures of the company for the purpose of raising money for prosecuting the undertaking, but the whole amount of the issue of such bonds or debentures shall not exceed \$20,000 for each mile of said railway, and no bonds or debentures shall be issued until twenty-five per centum of the authorized capital appropriated to any one of the sections has been actually expended on such section; and, except as herein provided, the borrowing powers of the company shall be governed by the said Electric Railway Act.

Exclusive  
electrical  
franchise not  
to be granted.

17. Notwithstanding anything contained in this Act, or in any Statute of the Province, no municipality shall have the power to grant to said railway any exclusive rights, privileges or franchises as to the transmission of electrical energy for power, light and heat over or across any public highway or street in said municipality.

Operating in  
cities.

18. Notwithstanding anything in this Act contained the railway shall not be constructed within the limits of any city except upon and subject to such terms and conditions as may mutually be agreed upon between the company and any street railway or electric railway already operating in such city; provided always that if the council of such city shall by by-law or resolution request the street railway company or electric railway companies to allow its tracks or any of the city streets to be used for the entrance of the railway to be constructed under this Act into such city, the company shall permit its tracks or any city streets to be so used to some central point in the said city to be named by the city council upon such terms and conditions as to compensation and otherwise as may be mutually agreed upon between the company authorized by this Act to construct a railway, the city corporation and such street railway or electric railway company, or as shall be settled and determined by the Lieutenant-Governor in Council in case the city corporation and the said two companies are unable to agree upon the same.

Proviso.

Commence-  
ment and  
completion of  
line.

19. The railway shall be commenced within three years and finally completed within seven years after the passing of this Act.



## CHAPTER 105

An Act to incorporate The Midland Terminal  
Railway Company.*Assented to 12th June, 1903.*

**W**HEREAS John James Drummond of the Town of Mid- Preamble.  
land, in the County of Simcoe, Manufacturer, Charles  
Edward Gudewill, of the City of Montreal, in the Province of  
Quebec, Civil Engineer, Frank Leeming of the City of Brantford,  
in the County of Brant, Capitalist, Peter Freyseng, of the City  
of Toronto, in the County of York, Manufacturer, Richard  
Wilton, of the City of Montreal, in the Province of Quebec,  
Accountant, Arthur K. Fisk, of the City of Montreal, in the  
Province of Quebec, Chartered Accountant, and George E.  
Drummond, of the City of Montreal, in the Province of Que-  
bec, Manufacturer, have by their petition prayed for an Act  
of incorporation under the name of "The Midland Terminal  
Railway Company," for the purpose of constructing, equipping  
and maintaining a railway, to be operated by steam, with  
terminal facilities, between a point at or near the Town of  
Midland, in the County of Simcoe, and a point at or near the  
Village of Perkinsfield, in the said County of Simcoe, passing  
through the Townships of Tay and Tiny, and the Town of  
Penetanguishene, in the County of Simcoe aforesaid, and have  
further prayed that it may be enacted as hereinafter set forth ;  
and whereas it is expedient to grant the prayer of the said  
petition ;

Therefore His Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:—

1. The said John James Drummond, Charles Edward Gude- Incorporation.  
will, Frank Leeming, Peter Freyseng, Richard Wilton, Arthur  
K. Fisk, George E. Drummond, and such other persons and cor-  
porations as shall hereafter become shareholders in the Com-  
pany hereby incorporated, are constituted a body corporate  
and politic under the name of "The Midland Terminal Rail-  
way Company," hereinafter called "the Company."

2. The Company is authorized and empowered to survey, Location of  
lay out, construct, equip and maintain a railway to be oper- line.  
ated by steam, of the gauge of four feet eight and one-half  
inches,

inches, from a point at or near the harbour of the Town of Midland, in the County of Simcoe, thence south to Midland Point, thence, southwesterly, along and through the lands adjacent to the water front of the harbour of the Town of Midland, and the lands of the Township of Tay, and continuing southwesterly and northwesterly, to a point on the line of the Grand Trunk Railway, at or near the harbour of the Town of Penetanguishene, and passing through the lands of the Township of Tiny and the lands adjacent to the said harbour and waterfront of the said Town of Penetanguishene, all in the County of Simcoe, in the Province of Ontario, thence westerly and southwesterly to a point on the line of the Grand Trunk Railway, at or near the Village of Perkinsfield, in the said County of Simcoe.

Provisional  
directors.

**3.** (1) The said John James Drummond, Charles Edward Gudewill, Frank Leeming, Peter Freyseng, Richard Wilton, Arthur K. Fisk and George E. Drummond, shall be and are hereby constituted a board of provisional directors of the Company, of whom a majority shall be a quorum, and shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders.

(2) The said provisional directors shall have power to add to their number, or to substitute for any member of the said board of provisional directors (whether named in this Act, or by the said provisional directors) who may desire to resign or withdraw from his position as a provisional director of the said Company, any other person as a provisional director thereof; and all such persons as shall, from time to time, be provisional directors of the said Company, pursuant to the provisions of this Act, shall constitute the board of provisional directors thereof.

(3) The first meeting of the board of provisional directors may be called upon notice signed by or on behalf of three provisional directors: such notice to be mailed to the said provisional directors at their respective places of address, as set forth in this Act; and the said board of provisional directors may, from time to time, pass resolutions or by-laws providing for the time, place or manner of calling future meetings of the said board of provisional directors.

Subscription  
and allotment  
of stock.

**4.** The said board of provisional directors shall have the power forthwith to open stock-books and procure subscriptions of stock for the undertaking, and to allot the stock and to receive payment on account of stock subscribed, and to make calls upon subscribers in respect of their stock, and to sue for and recover the same; and to cause plans and surveys to be made, and to receive for the Company any grant, loan, bonus or gift made to it, or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, and shall have all such  
other

other powers as under *The Railway Act of Ontario*, are vested in ordinary directors. The said provisional directors, or a majority of them, or the board of directors to be elected as hereinafter mentioned, may in their discretion exclude any one from subscribing for stock, who in their judgment would hinder, delay or prevent the Company from proceeding with and completing their undertaking under the provisions of this Act; and if at any time a portion or more than the whole stock shall have been subscribed, the said provisional directors, or board of directors, shall allocate and apportion it among the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation, the said directors may in their discretion exclude any one or more of the said subscribers, if, in their judgment, such exclusion will best secure the building of the said railway; and all meetings of the provisional board of directors shall be held at the Town of Midland, in the County of Simcoe, or at such other place as may best suit the interests of the Company.

5. Conveyances of land to the Company for the purposes of and powers given by this Act, made in the form set forth in Schedule A hereunder written, or to the like effect, shall be sufficient conveyance to the Company, their successors and assigns of the estate or interest therein mentioned, and sufficient bar of dower respectively, of all persons executing the same; and such conveyances shall be registered in the same manner and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicate thereof.

6. No subscription for stock in the capital of the Company shall be binding on the Company unless it shall be approved by resolution of the directors, nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription.

7. The Company may receive from any Government or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway by way of gift, bonus or loan of money or debentures or other securities for money, or by way of guarantee upon such terms and conditions as may be agreed upon.

8. The capital stock of the Company hereby incorporated shall be \$500,000 (with power to increase the same in the manner provided by *The Railway Act of Ontario*) to be divided into 5,000 shares of \$100 each, and shall be raised by the persons and corporations who may become shareholders in

Rev. Stat.  
c. 207.

Conveyance  
of land to  
Company.

Subscriptions  
for stock  
when binding.

Aid to  
railway.

Capital stock.

Rev. Stat.  
c. 207.



in the Company, and the money so raised shall be applied, in the first place, to the payment of all fees, expenses and disbursements of and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized, and the remainder of said money shall be applied to the making, equipping, completing and maintaining of the said railway and to the other purposes of this Act.

First election  
of directors.

9. When, and as soon as shares to the amount of \$100,000 of capital stock in the Company shall have been subscribed and ten per centum paid thereon into some chartered bank of the Dominion having an office in the Province of Ontario, to the credit of the Company, and which shall on no account be withdrawn therefrom unless for the services of the Company, the said provisional directors or a majority of them shall call a general meeting of the shareholders for the purpose of electing directors of the Company, giving at least four weeks notice of such meeting by advertisement in *The Ontario Gazette* and in at least one newspaper published in the said Town of Midland, of the time, place and purpose of the said meeting.

Number of  
directors and  
quorum.

10. At such general meeting the shareholders present either in person or by proxy, who shall at the opening of such meeting have paid up ten per centum on the stock subscribed by them, shall elect not less than five and not more than twelve persons to be directors of the Company in manner and qualified as hereinafter mentioned, who shall constitute a board of directors and shall hold office until the next general annual meeting; and a majority of directors shall form a quorum of the board, and may pass such rules, regulations and by-laws as may be deemed expedient and are not inconsistent with this Act and *The Railway Act of Ontario*; and the said board may employ and pay one of their number as managing director.

Rev. Stat.  
c. 207.

Qualifications  
of directors.

11. No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least ten shares of stock in the Company and unless he has paid up all calls thereon.

Power to  
construct line  
in sections.

12. The Company is authorized and empowered to take and make the surveys and levels of the lands through which the said railway is to pass, together with the map or plan thereof, and of its course and direction, and of the lands intended to be passed over and taken therefor so far as then ascertained, and also the book of reference for the railway, and to deposit the same as required by the clauses of *The Railway Act of Ontario*, and the amendments thereto with respect to plans and surveys, by sections or portions less than the length of the whole railway authorized, of such length as the Company

Rev. Stat.  
c. 207.

pany may from time to time see fit, so that no one of such sections or portions shall be less than ten miles in length; and upon such deposit as aforesaid of the map or plan and book of reference of any and each of such sections or portions of the said railway, all and every of the clauses of the said Railway Act and the amendments thereof applied to, included in or incorporated with this Act shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof, and of their whole course and direction and of the lands intended to be passed over and taken, and the book of reference of the whole of said railway had been taken, made, examined, certified and deposited according to the said clauses of the said Railway Act and the amendments thereof with respect to "plans and surveys."

**13.** Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the Company, and all such shareholders, whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible for office as directors in the Company. Rights of  
aliens.

**14.** The directors may from time to time make calls on the subscribed stock of the Company as they shall think fit; provided that no call shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days' notice shall be given of each call as hereinafter provided in section 16 of this Act. Calls on stock.

**15.** The directors may enter into a contract or contracts with any individual, corporation or association of individuals for the construction or equipment of the railway or any part thereof, including or excluding the purchase of right of way, and may pay therefor, either in whole or in part, either in cash or bonds, or in paid up stock, and may pay or agree to pay in paid-up stock or in bonds of the Company such sums as they may deem expedient to engineers or for the right of way, material, plant or rolling stock, and also for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors and furthering the undertaking, or for the purchase of right of way, material, plant or rolling stock whether such promoters or other persons be provisional or elected directors or not; provided that no such contract shall be of any force or validity unless first authorized by resolution passed by the votes of the shareholders in person or by proxy, representing two-thirds in value of the subscribed capital stock, and on which no call is in default and unpaid at a general meeting specially called for that purpose. Contracts for  
construction  
of lines, etc.  
  
Proviso.

Head office.

**16.** The head office of the Company shall be at the said Town of Midland, in the County of Simcoe, and the general annual meeting of the shareholders of the Company shall be held in such place in the said Town of Midland on such days and at such hours as may be directed by the by-laws of the Company, and public notice thereof shall be given at least four weeks previously in *The Ontario Gazette*, and once a week in one newspaper published in the Town of Midland during the four weeks immediately preceding the week in which such meeting is to take place.

Special general meetings.

**17.** Special general meetings of the shareholders of the Company shall be held at such places and at such times and in such manner and for such purposes as may be provided by the by-laws of the Company upon such notice as is provided in the last preceding section.

Voting by proxy at meetings.

**18.** At all meetings of the Company the shareholders thereof may vote by proxy, and the proxy may be appointed in such manner and by such means as the by-laws of the Company may provide, but no person shall be qualified to be so appointed who is not himself a shareholder in the Company.

Bonds.

**19.** The directors of the Company shall have power to issue bonds of the Company for the purpose of raising money for prosecuting the said undertaking, but the whole amount of the issue of such bonds shall not exceed in all the sum of \$20,000 for each mile of the said railway and branches, and the provisions of sub sections 19, 20, 21, 22 and 23 of section 9 of *The Railway Act of Ontario* shall apply to all such bonds and the issue thereof, and such bonds shall be issued subject and according to and in conformity with the provisions of the said sub-sections.

Rev. Stat., s. 207.

Bonds, etc., how payable.

Transfer of bonds.

**20.** All such bonds, debentures and other securities and coupons and interest warrants thereon respectively may be made payable to bearer and transferable by delivery, and any holder of any such securities so made payable to bearer may sue at law thereon in his own name.

Negotiable instruments.

**21.** The Company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than \$100, and any such promissory note or bill of exchange made, accepted or endorsed by the president or vice-president of the Company, and countersigned by the secretary or treasurer, as may be provided by the by-laws of the Company, which by-laws shall be submitted for approval by the Lieutenant Governor in Council, shall be binding on the Company, and every such promissory note or bill of exchange so made shall be presumed to have been made with the proper authority until the contrary be shewn; and in no case shall



shall it be necessary to have the seal of the said Company affixed to such promissory note or bill of exchange, nor shall the president, vice president, or the secretary or treasurer be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted; provided, however, that nothing in this section shall be construed to authorize the Company to issue any promissory note or bill of exchange payable to bearer or intended to be circulated as money, or as the notes or bills of a bank.

Proviso.

**22.** The Company may from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they may be enabled under the powers of this Act, to issue for the construction of the said railway.

Mortgaging and pledging bonds.

**23.** It shall be lawful for the directors of the Company to enter into an agreement or agreements with any other company or companies, if lawfully authorized to enter into such agreements, or with any person or persons, for leasing, hiring or use of any locomotives, carriages, rolling stock and other moveable property from such companies or persons for such time or times and on such terms as may be agreed on; and also to enter into agreements with any railway company or companies, if so lawfully authorized, for the use by one or more of such contracting companies of the locomotives, carriages, rolling stock and other moveable property of the other or others of them on such terms as to compensation and otherwise as may be agreed on.

Agreements with other companies for leasing or hiring rolling stock.

**24.** The Company may also construct an electric telegraph line and a telephone line throughout and along the whole line of their railway and the branches thereof, or any part of the said railway or branches, and for the purpose of constructing, working and protecting the said telegraph and telephone lines, the powers conferred upon telegraph companies by *The Act respecting Telegraph Companies*, being chapter 192 of the Revised Statutes of Ontario, 1897, are hereby conferred upon the Company; provided that no poles shall be erected in the construction of either of the said lines in or through any city, town or incorporated village, without the consent of the council of such city, town or village being first obtained by the Company; provided also that such telegraph and telephone lines shall be used exclusively for the purposes of the business of the Company.

Telegraph and telephone lines.

R. v. Stat. c. 192.

Pr viso.

**25.** Any municipality or any portion of a township municipality which may be interested in securing the construction of said railway, or through any part of which or near which the railway or works of the Company shall pass or be situate may aid the Company by giving money or debentures by way

Aid from Municipalities

Proviso.

way of bonus, gift or loan, or by the guarantee of the municipal corporation, under and subject to the provisions herein-after contained; provided always that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality or portion of the municipality (as the case be) in accordance with and as provided by law in respect to granting aid, by way of bonuses to railways.

Submitting  
bonus by-laws.

**26.** Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely:—

(1) The proper petition shall first be presented to the council expressing the desire to aid the railway, stating in what way and for what amount; and the council shall within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for and submit the same to the approval of the qualified voters.

Rev. Stat.  
c. 223

(2) In the case of a county municipality, the petition shall be that of a majority of the members of the county council or of fifty resident freeholders, in each of the minor municipalities of the county who are qualified voters under *The Municipal Act* and the amendments thereto.

Rev. Stat.  
c. 223

(3) In case of other municipalities, the petition shall be that of a majority of the council thereof, or of fifty resident freeholders, being duly qualified voters under *The Municipal Act* and amendments thereto as aforesaid.

(4) In the case of a section of a township municipality, the petition is to be presented to the council, defining the section by metes and bounds, or lots and concessions, and shall be that of a majority of the council of such township municipality, or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

By-law, what  
to contain.

**27.** Such by-law shall in each instance provide:—

(1) For raising the amount petitioned for in the municipality or portion of the township municipality (as the case may be) mentioned in the petition, by the issue of debentures of the county or minor municipality, respectively, and shall also provide for the delivery of said debentures, or the application of the amount to be raised thereby, as may be expressed in the said by-law.

(2) For assessing and levying upon all rateable property lying within the municipality or portion of the township municipality defined in the said by-law (as the case may be) an annual special rate sufficient to include a sinking fund for the repayment of the said debentures within twenty years,  
with

with interest thereon payable yearly or half-yearly, which debentures the respective municipal councils, wardens, mayors, reeves, and other officers thereof are hereby authorized to execute and issue in such cases respectively.

28. In case of aid from a county municipality, fifty resident freeholders of the county may petition the county council against submitting the said by-law, upon the ground that certain minor municipalities or portions thereof, comprised in the said by-law, would be injuriously affected thereby, or upon any other ground ought not to be included therein, and upon deposit by the petitioners, with the treasurer of the county, of a sum sufficient to defray the expenses of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the judge of the county court, one being the registrar of the county or of the riding in which the county town is situate, and one being an engineer appointed by the Commissioner of Public Works for Ontario, who shall have power to confirm or amend the said by-law by excluding any minor municipality, or any section thereof, therefrom, and the decision of any two of them shall be final, and the by-law so confirmed or amended shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters, and in case the by-law is confirmed by the arbitrators the expense of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company or the county as the arbitrators may order.

Petition  
against aid  
from county.

29. The term "Minor Municipality" shall be construed to mean any town not separated from the municipal county, township or incorporated village situate in the county municipality.

Minor muni-  
cipality,  
meaning of.

30. Before any such by-law is submitted the Company shall if required, deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said by-law.

Deposit before  
by-law is  
submitted.

31. In case the by-law submitted be approved of and carried in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting, the municipal council which submitted the same shall read the said by-law a third time and pass the same.

Council to  
pass by-law if  
assented to.

32. Within one month after the passing of such by-law the said council and the mayor, warden, reeve or other head,

Issue of  
debentures.

or



or other officers thereof, shall issue or dispose of the debentures provided for by the by-law, and deliver the same, duly executed, to the trustees appointed, or to be appointed under this Act.

Levying rates  
on portion of  
municipality.

**33.** In case any such loan, guarantee or bonus, be so granted by a portion of a township municipality, the rate to be levied for payment of the debentures issued therefor, and the interest thereon, shall be assessed and levied upon such portions only of such municipality.

Application  
of Rev. Stat.  
c. 223.

**34.** The provisions of *The Municipal Act* and the amendments thereto so far as the same are not inconsistent with this Act shall apply to any by-law so passed by or for a portion of a township municipality, to the same extent as if the same had been passed by or for the whole municipality.

By-laws grant-  
ing extension  
of time for  
commence-  
ment.

**35.** The councils for all corporations that may grant aid by way of bonus to the Company may, by resolution or by-law, extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid from time to time; provided that no such extension shall be for a longer period than one year.

By-laws grant-  
ing extension  
of time for  
completion.

**36.** It shall and may be lawful for the council of any municipality that may grant aid by way of bonus to the company, by resolution or by-law, to extend the time for the completion of the work (on the completion of which the said company would be entitled to such bonus) from time to time; provided that no such extension shall be for a longer period than one year at a time.

Extent of aid  
from municipi-  
palities.

**37.** Any municipality or portion of a township municipality, interested in the construction of the railway of the Company, may grant aid by way of bonus to the Company towards the construction of such railway, notwithstanding that such aid may increase the municipal taxation of such municipality, or portion thereof, beyond what is allowed by law; provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes exclusive of school rates, than three cents in the dollar upon the value of the rateable property therein.

Proviso.

By-laws grant-  
ing exemption  
from taxation.

**38.** It shall be lawful for the corporation of any municipality through any part of which the railway of the Company passes, or in which it is situate, by by-law especially passed for that purpose, to exempt the Company and its property within such municipality, either in whole or in part from municipal assessment or taxation or to agree to a certain sum per annum, or otherwise in gross, by way of com-  
mutation

mutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years; and no such by-law shall be repealed unless in conformity with a condition contained therein.

**39.** Any municipality through which said railway may pass or is situate is empowered to grant by way of gift to the Company any lands belonging to such municipality, or over which it may have control, which may be required for right of way, station grounds or other purposes connected with the running or traffic of said railway; and the Company shall have power to accept gifts of land from any Government or any person or body corporate or politic, and shall have power to sell or otherwise dispose of the same for the benefit of the Company.

Gifts of lands  
from muni-  
cipalities.

**40.** Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the Company, the debentures therefor shall within six months after the passing of the by-law authorizing the same be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the Company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario; provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the Company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the Company shall be at liberty to name such other trustee or trustees; any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council; and in case any trustee dies or resigns his trust, or goes to live out of the Province of Ontario, or otherwise becomes incapable of acting, his trusteeship shall become vacant and a new trustee may be appointed by the Lieutenant-Governor in Council.

Trustees of  
municipal  
debentures.

Proviso.

**41.** The said trustees shall receive the said debentures or bonds in trust, firstly, under the directions of the Company, but subject to the conditions of the by-laws in relation thereto as to time and manner, to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or amount realized from the sale in some chartered bank having an office in the Province of Ontario in the name of "The Midland Terminal Railway Company Municipal Trust Account,"

Trustees of  
municipal  
debentures.

count," and to pay the same out to the Company from time to time as the Company becomes entitled thereto, under the conditions of the by-law granting the said bonus, and on the certificate of the chief engineer of the said railway for the time being in the form set out in Schedule B. hereto, or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payment or delivery of debentures, and such engineer shall not wrongfully grant any such certificate under a penalty of \$500, recoverable in any court of competent jurisdiction by any person who may sue therefor.

Fees of  
the trustees.

42. The trustees shall be entitled to their reasonable fees and charges from the said trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had agreed.

Power to  
purchase  
whole lots.

43. Whenever it shall be necessary for the purpose of procuring sufficient land for stations, or gravel pits, or for constructing, maintaining and using the said railway, and in case, by purchasing the whole of any lot or parcel of land over which the railway is to run, the Company can obtain the same at a more reasonable price or to greater advantage than by purchasing the railway line only, the Company may purchase, hold, use and enjoy such lands, and also the right of way thereto if the same be separated from their railway, and may sell and convey the same, or any part thereof, from time to time as they may deem expedient, but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

Rev. Stat.  
c. 207.

Acquiring  
materials for  
road beds, etc

44. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway or any part thereof, the Company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause an Ontario Land Surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award and tender of compensation, shall have the same effect as in case of arbitration for the railway; and all the provisions of *The Railway Act of Ontario*, and of this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom the land may be taken, or who may sell shall apply to the subject matter of this section, as to obtaining materials as aforesaid; and such proceedings may be had by the Company either for the right to the fee simple in the land from which said materials

Rev. Stat.  
c. 207.

ials



ials shall be taken, or for the right to take materials for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

**45.** When said gravel, stone, earth or sand shall be taken under the preceding section of this Act, at a distance from the line of railway, the Company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which the said material shall be found, whatever the distance may be; and all the provisions of *The Railway Act of Ontario* and of this Act, except such as relate to filing plans and publications of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years or permanently, as the Company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed, for the purpose of repairing and maintaining the said railway.

(2) When estimating the damages for the taking of gravel, stone, earth or sand, subsection 9 of section 20 of *The Railway Act of Ontario* shall not apply.

**46.** The Company shall have power and authority,

Powers of  
company.

(1) To purchase lands for the erection, building, use and maintenance of warehouses, elevators, docks, dockyards, wharfs, slips, piers, stations, workshops, machine shops, foundries and offices, and from time to time to alter, repair and enlarge the same and to sell and convey such lands as may be found superfluous for such purposes; and the Company shall have power to build, own and hold as part of the property of the Company as many steam and other vessels as the directors of the Company may deem requisite from time to time to facilitate the carriage of passengers, freight and other traffic in connection with the railway.

Warehouses,  
elevators, etc.

(2) To acquire and operate railway ferries and steam and ferry vessels for the accommodation of passengers and freight.

Ferries.

(3) To acquire by lease or purchase and utilize water power for the purposes of compressing air or generating electricity, for lighting, heating, or other purposes required for the undertakings mentioned in this section.

Water and  
steam power.

(4) To build, purchase and acquire engines, carriages, wagons and all machinery and contrivances necessary and convenient for the working of the railway and the accommodation and use of passengers, freight and business of the railway or which may be required for the proper equipment of the Company in carrying out any undertaking authorized by this Act.

Rolling stock.

Terminal  
facilities.

(5) To acquire, construct and maintain railway terminal facilities in or near the said Towns of Midland and Penetanguishene or at other points on the land of the said railway.

Snow fences.

47. The Company shall have the right on and after the first day of November in each year to enter into and upon any lands of His Majesty, or into and upon any lands of any corporation or persons whatsoever, lying along the route or line of said railway, and to erect and maintain snow fences thereon, subject to the payment of such damage (if any) as may hereafter be established in the manner provided by law in respect to such railway, to have been actually suffered; provided always that any such snow fences so erected shall be removed on or before the first day of April next following.

Proviso.

Agreements  
with other  
companies.

48. The Company is authorized and empowered to make necessary arrangements to contract and agree with the Grand Trunk Railway Company of Canada, The Canadian Pacific Railway Company, The Canada Atlantic Railway Company, The Intercolonial Railway Company and The Manitoulin and North Shore Railway Company, and any other railway company the lines of which are approached or crossed by the line or lines of the Company, if lawfully authorized to enter into such arrangements for amalgamation with any or either of them; provided that no such contract shall be of any force or validity unless first authorized by resolution passed by the votes of the shareholders in person or by proxy, representing two-thirds in value of the subscribed capital stock and on which no call is in default and unpaid, at a general meeting specially called for that purpose.

Proviso.

Agreements  
for running  
arrangements  
with other  
companies.

49. The Company shall have power to agree for connections and make running arrangements with the Grand Trunk Railway Company of Canada, the Canadian Pacific Railway Company, the Canada Atlantic Railway Company, the Intercolonial Railway Company and the Manitoulin and North Shore Railway Company and any other railway company the lines of which are approached or crossed by the line or lines of the Company, if lawfully empowered to enter into such arrangements, upon terms to be first authorized by two-thirds in value of the shareholders at a special general meeting to be held for that purpose; and it shall be lawful for the Company hereby incorporated to enter into an agreement with any or either of the said railway companies, if lawfully authorized to enter into such an agreement, for the sale or leasing or hiring of the whole or any portion of the railway herein authorized, or the use thereof, or for the sale or leasing or hiring any locomotives, tenders, plant or rolling stock or other property or of any part thereof, or touching any service to be rendered by one company to the other and the compensation therefor, if the arrangements and agreements shall be so authorized by two thirds in value of the shareholders voting in person or by

by proxy at a special general meeting to be called for that purpose; and every such agreement shall be valid and binding according to the terms and tenor thereof, and the company purchasing, leasing or entering into such an agreement for using the said railway, may and are hereby authorized to work the said railway and in the same manner as if incorporated with their own line; but nothing in this or the preceding section shall be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

**50.** The Company shall grant running powers over the said line of railway, or any portions thereof, and the necessary use of its tracks, stations, station grounds, wharves and docks without discrimination or preference, to all other steam railway companies applying therefor, upon such terms as may be agreed upon between the Company and the railway so applying, and in default of agreement upon such terms as the Railway Committee of the Executive Council of Ontario may fix and determine.

Running powers to be granted to other companies.

**51.** Shares in the capital stock of the Company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the Company, or the surrender thereof dispensed with by the Company.

Transfer of shares.

**52.** The Company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges, and without any formal transfer, shall have the same lien for the amount thereof upon such goods and commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

Collecting back charges on goods.

**53.** The provisions of *The Railway Act of Ontario* and of every Act in amendment thereof shall be incorporated with, and be deemed to be part of this Act, and shall apply to the Company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act" when used herein, shall be understood to include the clauses of the said Railway Act and of every Act in amendment thereof so incorporated with this Act.

Application of Rev. Stat. c. 207.

**54.** The railway hereby authorized shall be commenced within two years and finished and put in operation within five years after the passing of this Act, and in default thereof the powers hereby conferred shall absolutely cease with respect to so much of the railway as then remains incomplete.

Time for commencement and completion of road.



Agreements  
as to running  
arrangements  
subject to  
Government  
control.

**55.** The authority and power conferred on the Company by this Act to enter into agreements with any other railway company for connections, running arrangements, sale, lease, amalgamation or hiring of the said railway shall be subject to such terms, conditions and regulations as may be provided and enacted by any general or special Act or Acts which may at the time such agreement is entered into be in force, and to such terms, conditions and regulations, general or special, as the Lieutenant-Governor in Council, or any Special Committee of the Executive Council of Ontario appointed for that purpose, may from time to time order.

## SCHEDULE A.

(Section 5).

Know all men by these presents that I (or we) (*insert the name or names of the vendor or vendors*) in consideration of \_\_\_\_\_ dollars paid to me (or us) by The Midland Terminal Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (or we) (*insert the name or names of any other party or parties*) in consideration of \_\_\_\_\_ dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged do grant and release all that certain parcel (or those certain parcels as the case may be) of land (*describe the land*), the same having been selected and laid out by the said company for the purposes of its railway, to hold with the appurtenances unto the said The Midland Terminal Railway Company, their successors and assigns forever (*here insert any other clauses, covenants and conditions required*) and I (or we) the wife (or wives) of the said do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal (or hands and seals) this day of \_\_\_\_\_, one thousand nine hundred and \_\_\_\_\_  
Signed, sealed and delivered  
in the presence of \_\_\_\_\_

## SCHEDULE B.

(Section 41).

### CHIEF ENGINEER'S CERTIFICATE.

The Midland Terminal Railway Company's Office.  
No. \_\_\_\_\_ A.D. 19 \_\_\_\_\_

### ENGINEER'S DEPARTMENT.

Certificates to be attached to cheques drawn on The Midland Terminal Railway Company Municipal Trust Account given under section 41, chapter 105, of the Acts of the Legislature of Ontario, passed in the third year of His Majesty's reign.

I, \_\_\_\_\_ chief engineer of The Midland Terminal Railway Company do hereby certify that the said Company has fulfilled the terms and conditions necessary to be fulfilled under the by-law No. \_\_\_\_\_ of the township of \_\_\_\_\_ (or under the agreement dated the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ between the corporation of \_\_\_\_\_ and the said company to entitle the said company to receive from the said Trust the sum of \_\_\_\_\_ (*here set out the terms and conditions, if any, which have been fulfilled*).

CHAPTER

## CHAPTER 106.

## An Act to incorporate The Minnietakie, Lac Seul and Albany River Railway Company.

*Assented to 12th June, 1903.*

WHEREAS John Sykes and Harry Holdroyd, both of the Village of Glen Williams, in the County of Halton, manufacturers; Walter C. Young, of the Town of Brampton, in the County of Peel, banker; Henry W. Selby, of Dinorwic, in the district of Rainy River, Ontario and Dominion Land Surveyor; William Robert Payne, of the City of Toronto, in the County of York, contractor; John Porter, of the said City of Toronto, capitalist; John Herbert Hall, of the said City of Toronto, civil engineer; William Halloway Wallbridge and John Shilton, both of the said City of Toronto, barristers-at-law, and William J. Elliott, of the said City of Toronto, agent, have by their petition prayed for an Act of Incorporation under the name of "The Minnietakie, Lac Seul and Albany River Railway Company," for the purpose of constructing and operating a railway from a point at or near Dinorwic Station, on the line of the Canadian Pacific Railway, in the District of Rainy River; thence in a northerly direction to a point at or near Lake Minnietakie; thence in a north-easterly direction to a point at or near the south-easterly shore of Lac Seul; thence in a north-easterly direction to a point at or near the south-easterly shore of Lake St. Joseph, and thence north-easterly to a point on the Albany River in the Province of Ontario, opposite to Fort Hope in the District of Keewatin with power to construct and operate a branch line from the said line of railway, commencing at or near the south-easterly shore of Lac Seul, thence easterly to Sturgeon Lake, and other branch lines, none of which, with the exception of the said Sturgeon Lake branch, are to exceed 12 miles in length; and it has been represented that the line of the railway of the company so to be incorporated will, for the most part, be constructed in the unorganized part of the Province; and it is proposed to operate the same by steam, electricity or other motive power; and whereas owing to the location of the line of the said railway; the provisions of *The Electric Railway Act* are not applicable to the company so to be incorporated, and the said petitioners have prayed that there may be conferred upon them the powers ordinarily given upon the incorporation of a railway to be operated by steam; and whereas

Preamble.  
Rev. Stat.  
c. 209.

for

for the reasons aforesaid the circumstances of said proposed line of railway are exceptional; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**Incorporation** 1. John Sykes, Harry Holdroyd, Walter C. Young, Henry W. Selby, William Robert Payne, John Porter, John Herbert Hall, William Halloway Wallbridge, John Shilton and William J. Elliott and such other persons and corporations as shall hereafter become shareholders of the company hereby incorporated, are hereby constituted a body corporate and politic under the name of "The Minnietakie, Lac Seul and Albany River Railway Company," hereinafter called "the company."

**Location  
of line.**

2. The company is hereby authorized and empowered to survey, lay out, construct, complete, equip and maintain a railway to be operated by steam, electricity or other motive power, with single or double iron or steel tracks, from some point at or near Dinorwic Station, on the line of the Canadian Pacific Railway, in the district of Rainy River; thence in a northerly direction to a point at or near Lake Minnietakie; thence in a north-easterly direction to a point at or near the south-easterly shore of Lac Seul; thence in a north-easterly direction to a point at or near the south-easterly shore of Lake St. Joseph, and thence north-easterly to a point on the Albany River, in the Province of Ontario, opposite to Fort Hope in the District of Keewatin, with power to construct and operate a branch line from the said line of railway, commencing at or near the south-easterly shore of Lac Seul, thence easterly to Sturgeon Lake, and other branch lines of railway, none of which, with the exception of the said Sturgeon Lake branch, are to exceed 12 miles in length; and the said railway or any part thereof, so far as the same may be operated by electricity, may be carried along and upon such public highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same, and subject to the restrictions and provisions therein and in this Act contained, and under and subject to any agreements between the company and the councils of the said corporations, and between the company and the road companies (if any) interested in such highways; and the company may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway, subject to the provisions and conditions contained in this Act, *The Electric Railway Act* and *The Municipal Act*, and any Act or Acts amending the same; provided that the *Electric Railway Act* shall not apply to the company except in so far as the railway is constructed along or upon a public highway.

Rev. Stat.  
c. 209.

Rev. Stat.  
c. 223.



3. The gauge of the said railway shall be four feet eight Gauge.  
and one-half inches.

4. The said John Sykes, Harry Holdroyd, Walter C. Provisional  
Young, Henry W. Selby, William Robert Payne, John Porter, Directors.  
John Herbert Hall, William Halloway Wallbridge, John  
Shilton and William J. Elliott, with power to add to their  
number, shall be and are hereby constituted a board of pro-  
visional directors of the company, of whom a majority shall  
be a quorum, and shall hold office as such until other directors  
shall be appointed under the provisions of this Act by the  
shareholders.

5. The said board of provisional directors shall have power Powers of  
forthwith to open stock books and procure subscriptions of provisional  
stock for the undertaking, and to allot the stock and receive directors.  
payments on account of stock subscribed, and to make calls  
upon subscribers in respect of their stock and to sue for and  
recover the same; and to cause plans and surveys to be made  
and to receive for the company any grant, loan, bonus or gift  
made to it or in aid of the undertaking, and to enter into any  
agreement respecting the conditions or disposition of any gift  
or bonus in aid of the railway, and with all such other powers  
as under *The Railway Act of Ontario*, are vested in ordinary Rev. Stat  
directors. The said provisional directors, or a majority of them, c. 207.  
or the board of directors, to be elected as hereinafter mentioned,  
may in their discretion exclude anyone from subscribing for  
stock who in their judgment would hinder, delay or prevent the  
company from proceeding with and completing their under-  
taking under the provisions of this Act; and if at any time a  
portion or more than the whole stock shall have been sub-  
scribed, the said provisional directors, or board of directors,  
shall allocate and apportion it amongst the subscribers as  
they shall deem most advantageous and conducive to the  
furtherance of the undertaking; and in such allocation the  
said directors may, in their discretion, exclude any one or  
more of the said subscribers if, in their judgment, such exclu-  
sion will best secure the building of the said railway; and all  
meetings of the provisional board of directors shall be held at  
the City of Toronto, or at such other place as may best suit  
the interests of the company.

6. Conveyances of lands to the company for the purposes Form of con-  
of and powers given by this Act, made in the form set forth veyance to  
in Schedule A, hereunder written, or to the like effect, shall company.  
be sufficient conveyance to the company, their successors and  
assigns of the estate or interest therein mentioned and sufficient  
bar of dower, respectively, of all persons executing the same;  
and such conveyances shall be registered in such manner and  
upon such proof of execution as is required under the registry  
laws of Ontario, and no registrar shall be entitled to demand  
more

more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

Subscriptions  
not binding  
until stock  
paid.

7. No subscription for stock in the capital of the company shall be binding on the company unless it shall be approved by resolution of the directors, nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription.

Power to  
receive aid in  
construction  
of line.

8. The company may receive from any government, or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway by way of gift, bonus or loan of money or debentures, or other securities for money, or by way of guarantee upon such terms and conditions as may be agreed upon.

Capital stock.

Rev. Stat.  
c. 207.

9. The capital stock of the company hereby incorporated shall be \$1,000,000 (with power to increase the same in the manner provided by *The Railway Act of Ontario*), to be divided into ten thousand shares of \$100 each, and shall be raised by the persons and corporations who may become shareholders in the company, and the money so raised shall be applied in the first place to the payment of all fees, expenses and disbursements of and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and the remainder of said money shall be applied to the making, equipping, completing and maintaining of the said railway, and to the other purposes of this Act.

First meeting,  
election of  
directors.

10. When and as soon as shares to the amount of \$100,000 of capital stock in the said company shall have been subscribed and ten per centum paid thereon into some chartered bank of the Dominion having an office in the Province of Ontario, to the credit of the company, and which shall on no account be withdrawn therefrom unless for the services of the company, the said provisional directors, or a majority of them, shall call a general meeting of the shareholders for the purpose of electing directors of the company, giving at least four weeks' notice of such meeting by advertisement in *The Ontario Gazette*, and in at least one newspaper published in the said City of Toronto, of the time, place and purpose of the said meeting.

Directors,  
election,  
number of.

11. At such general meeting the shareholders present either in person or by proxy, who shall at the opening of such meeting have paid up ten per centum on the stock subscribed by them, shall elect not less than five and not more than nine persons to be directors of the company in manner and qualified

fied as hereinafter mentioned, who shall constitute a board of directors, and shall hold office until the next general annual meeting, and a majority of the directors shall form a quorum of the board, and may pass such rules, regulations and by-laws as may be deemed expedient and are not inconsistent with this Act and *The Railway Act of Ontario*; and the said Board may employ and pay one of their number as managing director.

Rev. Stat.  
c. 207.

**12.** No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least ten shares of stock in the company, and unless he has paid up all calls thereon.

Qualification  
of directors.

**13.** The company is hereby authorized and empowered to take and make surveys and levels of the lands through which the said railway is to pass, together with the map or plan thereof, and of their course and direction, and of the lands intended to be passed over and taken therefor so far as then ascertained and also the book of reference for the railway, and to deposit the same, as required by the clauses of *The Railway Act of Ontario* and the amendments thereto with respect to plans and surveys, by sections or portions less than the length of the whole railway authorized, of such length as the company may from time to time see fit so that no one of such sections or portions shall be less than ten miles in length; and upon such deposit as aforesaid of the map or plan and book of reference of any and each of such sections or portions of the said railway, all and every of the clauses of the said Railway Act and the amendments thereof applied to included in or incorporated with this Act shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof, and of their whole course and direction, and of the lands intended to be passed over and taken, and the book of reference of the whole of said railway had been taken, made, examined, certified and deposited according to the said clauses of the said Railway Act and the amendments thereof with respect to "plans and surveys."

Construction  
of line by  
sections.

Rev. Stat.  
c. 207.

**14.** Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the company, and all such shareholders, whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors of the company.

Rights of  
aliens.

**15.** The directors may, from time to time, make calls as they shall think fit, provided that no call shall be made at any

Calls.



any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days' notice shall be given of each call as provided in section 17 of this Act.

Agreements  
for construc-  
tion, etc.

**16.** The directors may enter into a contract or contracts with any individual, corporation or association of individuals for the construction or equipment of the railway or any part thereof, including or excluding the purchase of right of way, and may pay therefor either in whole or in part, either in cash or bonds, or in paid-up stock, and may pay or agree to pay in paid-up stock or in bonds of the said company, such sums as they may deem expedient to engineers or contractors or for the right of way or material, plant or rolling stock, and also for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors and furthering the undertaking, or for the purchase of right of way, material, plant, or rolling stock, whether such promoters or other persons be provisional or elected directors or not; provided that no such contract shall be of any force or validity unless first authorized by resolution passed by the votes of the shareholders in person or by proxy, representing two-thirds in value of the subscribed capital stock, and on which no call is in default and unpaid, at a general meeting specially called for that purpose.

Proviso.

Head Office,  
Annual  
Meetings.

**17.** The head office of the company shall be at the said City of Toronto, and the general annual meeting of the shareholders of the company shall be held in such place in the said City of Toronto, on such days, and at such hours as may be directed by the by-laws of the company; and public notice thereof shall be given at least four weeks previously in *The Ontario Gazette*, and once a week in one newspaper published in the said City of Toronto during the four weeks immediately preceding the week in which such meeting is to take place.

Special  
General  
Meetings.

**18.** Special general meetings of the shareholders of the said company may be held at such places, and at such times, and in such manner and for such purposes as may be provided by the by-laws of the company, and upon such notice as is provided in the last preceding section.

Voting by  
proxy.

**19.** At all meetings of the company the shareholders thereof may vote by proxy and the proxy may be appointed in such manner and by such means as the by-laws of the company may provide, but no person shall be qualified to be so appointed who is not himself a shareholder of the company.

Bonds.

**20.** The directors of the company shall have power to issue bonds of the company for the purpose of raising money for prosecuting the said undertaking, but the whole amount of the

the issue of such bonds shall not exceed in all the sum of \$20,000 for each mile of the said railway and branches, and the provisions of sub-sections 19, 20, 21, 22 and 23 of section 9 of *The Railway Act of Ontario* shall apply to all such bonds and the issue thereof, and such bonds shall be issued subject and according to, and in conformity with the provisions of the said sub-sections. Rev. Stat. c. 207.

**21.** All such bonds, debentures and other securities and coupons and interest warrants thereon respectively, may be made payable to bearer and transferable by delivery, and any holder of any such securities so made payable to bearer, may sue at law thereon in his own name. Form of Bonds.

**22.** The company shall have power and authority to become parties to promissory notes and bills of exchange, for sums not less than \$100, and any such promissory note or bill of exchange made, accepted or endorsed by the president or vice-president of the company and countersigned by the secretary or treasurer, as may be provided by the by-laws of the company, which by-laws shall be submitted for approval by the Lieutenant-Governor in Council, shall be binding on the company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown; and in no case shall it be necessary to have the seal of the company affixed to such promissory note or bill of exchange; nor shall the president, vice-president or the secretary or treasurer be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted; provided, however, that nothing in this section shall be construed to authorize the company to issue any promissory note or bill of exchange payable to bearer or intended to be circulated as money or as the notes or bills of a bank. Negotiable investments.

**23.** The company may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they may be enabled, under the powers of this Act, to issue for the construction of the said railway. Raising money on bonds.

**24.** It shall be lawful for the directors of the company to enter into any agreement or agreements with any other company or companies, if lawfully authorized to enter into such agreements, or with any person or persons, for leasing, hiring or use of any locomotives, carriages, rolling stock and other moveable property, from such companies or persons for such time or times and on such terms as may be agreed on; and also to enter into agreements with any railway company or companies if so lawfully authorized, for the use by one or more Agreements with other companies.

more of such contracting companies, of the locomotives, carriages, rolling stock and other moveable property of the other or others of them on such terms as to compensation or otherwise as may be agreed on.

Telegraph and  
telephone  
lines.

**25.** The company may also construct an electric telegraph line and a telephone line throughout and along the whole line of their railway and the branches thereof, or any part of the said railway or branches, and for the purpose of constructing, working and protecting the said telegraph and telephone lines, the powers conferred upon telegraph companies by *The Act respecting Telegraph Companies*, being chapter 192 of the Revised Statutes of Ontario, 1897, are hereby conferred upon the company; provided that no poles shall be erected in the construction of either of the said lines in or through any city, town or incorporated village without the consent of the council of such city, town or village being first obtained by the company; and the company may undertake the transmission of messages for the public by such line or lines of telegraph or telephone and collect tolls for so doing.

Proviso.

Aid from  
municipali-  
ties.

**26.** Any municipality, or any portion of a township municipality, which may be interested in securing the construction of said railway, or through any part of which, or near which the railway or works of the company shall pass or be situate may aid the company by giving money or debentures, by way of bonus, gift, or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained; provided always that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality or portion of the municipality (as the case may be) in accordance with and as provided by law in respect to granting aid by way of bonuses to railways.

Proviso.

Voting on  
bonus  
by-laws.

**27.** Such by-law shall be submitted by the municipal council to the vote of the ratepayers in the manner following, namely:

(1) The proper petition shall first be presented to the council expressing the desire to aid the railway and stating in what way and for what amount; and the council shall within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law, to the effect petitioned for, and submit the same to the approval of the qualified voters.

(2) In the case of a county municipality, the petition shall be that of a majority of the members of the county council or of fifty of the resident freeholders in each of the minor municipalities of the county who are qualified voters under *The Municipal Act* and the amendments thereto.

Rev. Stat., c.  
223.



(3) In the case of other municipalities the petition shall be that of a majority of the council thereof or of fifty resident freeholders, being duly qualified voters under *The Municipal Act* and the amendments thereto as aforesaid. Rev. Stat., c. 223.

(4) In the case of a section of a township municipality the petition is to be presented to the council defining the section by metes and bounds, or lots and concessions, and shall be that of a majority of the council of such township municipality, or of fifty resident freeholders, in such section of the municipality, being duly qualified voters as aforesaid.

. 28. Such by-law shall in each instance provide :

Requisites of  
bonus by-  
laws.

(1) For raising the amount petitioned for in the municipality or portion of the township municipality (as the case may be) mentioned in the petition, by the issue of debentures of the county or minor municipality, respectively, and shall also provide for the delivery of the said debentures, or the application of the amount to be raised thereby, as may be expressed in the said by-law.

(2) For assessing and levying upon all rateable property lying within the municipality or portion of the township municipality defined in said by-law (as the case may be) an annual special rate, sufficient to include a sinking fund for the repayment of the said debentures within twenty years, with interest thereon, payable yearly or half-yearly, which debentures the respective municipal councils, wardens, mayors, reeves, and other officers thereof, are hereby authorized to execute and issue in such cases respectively.

29. In case of aid from a county municipality fifty resident freeholders of the county may petition the county council against submitting the said by-law, upon the ground that certain minor municipalities or portions thereof comprised in the said by-law would be injuriously affected thereby, or upon any other ground, ought not to be included therein, and upon deposit by the petitioners with the treasurer of the county of a sum sufficient to defray the expenses of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the Judge of the County Court or district objecting, one being the Registrar of the county or of the riding in which the county town is situated, and one being an engineer appointed by the Commissioner of Public Works for Ontario, who shall have power to confirm or amend the said by-law by excluding any minor municipality, or any section thereof therefrom; and the decision of any two of them shall be final, and the by-law so confirmed or amended shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters, and in case the by-law is confirmed by the arbitrators,

Petition  
against aid  
from county.

arbitrators, the expense of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company or the county, as the arbitrators may order.

Minor Municipality, meaning of.

**30.** The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township or incorporated village, situate in the county or district municipality.

Deposit of expenses of submitting by-law.

**31.** Before any such by-law is submitted, the railway company shall, if required, deposit with the treasurer of the municipality, a sum sufficient to pay the expenses to be incurred in submitting the said by-law.

If by-law approved council to pass same.

**32.** In case the by-law submitted be approved of and carried, in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting, the municipal council which submitted the same shall read the said by-law a third time and pass the same.

Issue of bonus debentures.

**33.** Within one month after the passing of such by-law the said council and the mayor, warden, reeve or other head, or other officers thereof, shall issue or dispose of the debentures provided for by the by-law, and deliver the same, duly executed, to the trustees appointed, or to be appointed, under this Act.

Rate on Section of Township.

**34.** In case any such loan, guarantee or bonus, be so granted by a portion of a township municipality, the rate to be levied for payment of the debentures issued therefor, and the interest thereon, shall be assessed and levied upon such portion only of such municipality.

Application of Rev. Stat. c. 223 to bonus by-laws.

**35.** The provisions of *The Municipal Act* and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality, to the same extent as if the same had been passed by or for the whole municipality.

Extending time fixed in bonus by-law for commencing work.

**36.** The councils for all corporations that may grant aid by way of bonus to the company may, by resolution or by-law extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid, from time to time; provided that no such extension shall be for a longer period than one year.

Extending time fixed in bonus by-law for completing work.

**37.** It shall and may be lawful for the council of any municipality that may grant aid by way of bonus, to the said company, by resolution or by-law to extend the time for the completion of the works (on the completion of which the said company would be entitled to such bonus,) from time to time

time ; provided that no such extension shall be for a longer period than one year at a time.

**38.** Any municipality, or portion of a township municipality, interested in the construction of the railway of the company, may grant aid by way of bonus to the company towards the construction of such railway, notwithstanding that such aid may increase the municipal taxation of such municipality, or portion thereof, beyond what is allowed by law ; provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes exclusive of school rates, than three cents in the dollar upon the value of the rateable property therein.

Limitation as to rates in aid of railway.

**39.** It shall be lawful for the corporation of any municipality through any part of which the railway of the company passes, or in which it is situate, by by-law specially passed for that purpose, to exempt the company and its property within such municipality, either in whole or in part from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise in gross, by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein.

By-laws granting exemption from taxation.

**40.** Any municipality through which the said railway may pass or is situate is empowered to grant, by way of gift to the company, any lands belonging to such municipality, or over which it may have control, which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway, and the said railway company shall have power to accept gifts of land from any government or any person or body, corporate or politic, and shall have power to sell or otherwise dispose of the same for the benefit of the company.

Grants of land from municipalities.

**41.** Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall, within six months after the passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the company and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario ; provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice, in writing, of the appointment of the company's trustee, or if the Lieutenant-

Trustees of municipal debentures.



Governor in Council shall omit to name such trustee within one month after notice, in writing, to him of the appointment of the other trustees, then, in either case, the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new trustee appointed in his place, at any time, by the Lieutenant-Governor in Council, and in case any trustee dies or resigns his trust, or goes to live out of the Province of Ontario or otherwise becomes incapable of acting, his trusteeship shall become vacant and a new trustee may be appointed by the Lieutenant-Governor in Council.

Trusts upon  
which  
debentures  
to be held.

42. The said trustees shall receive the said debentures or bonds in trust, firstly, under the directions of the company but subject to the conditions of the by-laws in relation thereto as to time or manner, to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or amount realized from the sale in some chartered bank having an office in the Province of Ontario, in the name of "The Minnietakie, Lac Seul and Albany River Railway Municipal Trust Account," and to pay the same out to the company from time to time as the company becomes entitled thereto, under the conditions of the by-law granting the said bonus and on the certificate of the chief engineer of the said railway for the time being, in the form set out in Schedule B hereto, or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payment or delivery of debentures, and such engineer shall not wrongfully grant any such certificate under a penalty of \$500, recoverable in any court of competent jurisdiction by any person who may sue therefor.

Fees of  
Trustees—  
Acts of  
majority  
binding.

43. The trustees shall be entitled to their reasonable fees and charges from the said trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had agreed.

Power to  
purchase  
whole lots.

44. Whenever it shall be necessary, for the purpose of procuring sufficient land for stations, or gravel pits, or for constructing, maintaining and using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage, than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same or any part thereof, from time to time, as they may deem expedient; but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

Rev. Stat.  
207.

45. When stone, gravel, earth or sand is, or are, required for the construction or maintenance of said railway or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause an Ontario Land Surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, as in case of acquiring the roadway and the notice of arbitration, the award and tender of compensation, shall have the same effect as in case of arbitration for the roadway; and all the provisions of *The Railway Act of Ontario*, and of this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom land may be taken or who may sell, shall apply to the subject matter of this section, as to the obtaining materials as aforesaid, and such proceedings may be had by the company either for the right to the fee simple in the land from which said materials shall be taken, or for the right to take materials for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Acquiring  
land for  
gravel pits,  
etc.

Rev. Stat.  
c. 207.

46. (1) When said, gravel, stone, earth or sand shall be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions of *The Railway Act of Ontario* and of this Act, except such as relate to filing plans and publications of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be acquired for a term of years or permanently, as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway.

Sidings to  
gravel pits.

(2) When estimating the damages for the taking of gravel, stone, earth or sand, sub-section 9 of section 20 of *The Railway Act of Ontario* shall not apply.

Rev. Stat.  
c. 207.

47. The company shall have the right on and after the first day of November in each year to enter into and upon any lands of His Majesty, or into or upon any lands of any corporation or persons whatsoever lying along the route or line of said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be hereafter established in the manner provided by law in respect of such railway to have been actually suffered: provided

Snow fences.

vided always that any such snow fences so erected shall be removed on or before the first day of April next following.

General  
powers of  
company.

48. The company shall have power and authority,—

Power houses,  
elevators, etc.

(1) To purchase land for and erect power-houses, ware-houses, elevators, docks, stations, workshops, machine shops, foundries and offices, and to sell and convey such land as may be found superfluous for any such purpose, and the company shall have power to build, own, operate and hold as part of the property of the company as many steam or other vessels as the directors of the company may deem requisite from time to time to facilitate the carriage of passengers, freight and other traffic in connection with the railway ;

Stations,  
depots, etc.

(2) To erect and maintain all necessary and convenient buildings, stations, depots, wharves and fixtures, and from time to time to alter, repair or enlarge the same and to build, purchase and acquire motors, engines, carriages, wagons and other machinery and contrivances necessary or convenient for the working of the railway and the accommodation and use of the passengers, freight and business of the railway ;

Water powers.

(3) To lease or purchase and acquire water powers within twenty miles of the railway and branches thereof herein authorized, and to construct, maintain and operate works for the production of electricity for the motive power of the said railways, and for the lighting and heating the rolling stock and other property of the company.

Disposing of  
surplus  
electric power.

(4) To sell or lease in the unorganized territory, and in any municipality where such sale or lease is authorized by by-law of the council of the municipality and subject to the terms and conditions of such by-law any such electricity not required for the purposes aforesaid to any person or corporation, and the company in that behalf shall, subject to the provisions and restrictions of this Act, possess the powers, rights and privileges, and be subject to all the obligations and restrictions of joint-stock companies incorporated under *The Act Respecting Companies for Supplying Steam, Heat, Electricity or Natural Gas for Heat, Light or Power*, and to acquire and hold any property necessary for the purposes mentioned in this subsection.

Rev Stat.  
c. 200.

Transmission  
of electricity.

(5) To purchase the right to convey electricity required for the working of the railway and lighting or heating the same and for sale or lease, over, through or under lands other than the lands of the said railway, and, with the consent of the councils of the municipalities affected, to purchase the right to lay conduits under, or erect poles and wires on or over such lands as may be determined by the company, and along and upon

any



any of the public highways, or across any of the waters in this Province by the erection of the necessary fixtures, including posts, piers or abutments for sustaining the cords or wires of such lines, or the conduits for such electricity, upon and subject to such agreement in respect thereof as shall first be made between the company and any private owners of the land affected, and between the company and any municipality in which such works or any part thereof or of the railway may be situate, and under and subject to any by-law or by-laws of the council of such municipality passed in pursuance thereof.

**49.** (1) The railway of the company shall not be constructed or operated on, upon or along any street, highway or public place of any municipality until first authorized by an agreement in respect thereto made between the company and such municipality, and under and subject to the terms of such agreement and of section 2 of this Act, and of any by-law or by-laws of the council of said municipality to be passed in pursuance thereof; and in all such cases any and every work, matter or thing in connection with electricity or other motor power, and the application and using thereof in so constructing, operating and working such railways, or the cars, carriages, engines, motors, or machines aforesaid shall be so constructed, erected, laid down and arranged as to impede or incommode the public use of such street, highway or public place as little as possible, and so as not to be a nuisance thereto, nor to interfere with the free access to any house or other building erected in the vicinity of the same; and the electric and other appliances shall be of such an improved manufacture and so placed as to avoid as far as possible any danger to buildings or other property; and provided that none of the works or property of the company shall be so constructed or placed as to injuriously interrupt navigation in any navigable water.

Operation on  
highways.

(2) The by-laws mentioned in section 2, sub-section 5 of the preceding section and in this section shall be subject to the conditions and provisions of section 632 of *The Municipal Act*.

Rev. Stat.  
c. 223.

**50.** It shall and may be lawful for the company at any point where the railway or any branch thereof approaches within two miles of any navigable waters, to purchase and hold as its own absolute property and for the use of the company, wharves, piers, docks, water lots, water frontages and lands; and upon the said water lots, water frontages and lands, and in and over the waters adjoining the same, to build and erect elevators, storehouses, warehouses and engine-houses, sheds, wharves, docks, piers, and other erections, for the use of the company, and the steam and other vessels owned,

Harbour  
facilities.

owned, worked or controlled by the company, or any other steam or other vessels; and to collect wharfage and storage charges for the use of the same; and also to erect, build, repair and maintain all moles, piers, wharves and docks necessary and proper for the protection of such works; and for the accommodation and convenience of vessels entering, leaving, lying, loading and unloading within the same, and to dredge, deepen and enlarge such works; and the said wharves, piers, docks, water lots, water frontages, lands, elevators, storehouses, warehouses, engine-houses, sheds and other erections or any thereof, or any portion thereof, in its discretion to sell, lease or convey.

Acquiring  
land for  
buildings.

**51.** The said company shall have power to purchase and hold such lands as may be required at each extremity of the said railway for the purpose of building thereon storehouses, warehouses, engine-houses, and other erections for the uses of the said company, and the same or portions thereof, in their discretion, to sell and convey, and also to make use for the purposes of the said railway of any stream or water course, at or near which the railway passes, doing, however, no unnecessary damage thereto, and not impairing the usefulness of such stream or water course.

Agreements  
with  
C.P.Ry. Co.

**52.** The company is authorized and empowered to make necessary arrangements to contract and agree with the Canadian Pacific Railway Company, if lawfully authorized to enter into such arrangements for amalgamation; provided that no such contract shall be of any force or validity unless first authorized by resolution passed by the votes of the shareholders in person or by proxy, representing two-thirds in value of the subscribed capital stock and on which no call is in default and unpaid, at a general meeting specially called for that purpose.

Agreements  
for connec-  
tions and  
running  
arrangements.

**53.** The company shall have power to agree for connections and making running arrangements with the Canadian Pacific Railway Company, the Thunder Bay, Nepigon and St. Joe Railway Company, or any other Railway Company whose lines may hereafter approach or intersect the railway herein authorized, if lawfully empowered to enter into such agreements, upon terms to be first authorized by two-thirds in value of the shareholders at a special general meeting to be held for that purpose; and it shall also be lawful for the company hereby incorporated to enter into any agreement with any or either of the said companies if lawfully authorized to enter into such an agreement, for the sale or leasing or hiring of the whole or any portion of the railway herein authorized or the use thereof, or for the sale or leasing or hiring any locomotives, tenders, plant or rolling stock or other property or any part thereof, or touching any service to be rendered by the one company

company to the other or others of them and the compensation therefor, if the arrangements and agreements shall be so authorized by two-thirds in value of the shareholders voting in person or by proxy at a special general meeting to be called for that purpose; and every such agreement shall be valid and binding, according to the terms and tenor thereof; and the company purchasing, leasing or entering into such an agreement for using the said railway may and is hereby authorized to work the said railway and in the same manner as if incorporated with its own line; but nothing in this or the preceding section shall be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

**54.** The authority and power conferred on the company by this Act to enter into agreements with any other railway company for connections, running arrangements, sale, lease, amalgamation, or hiring of the said railway or to sell or lease or transmit electrical power, shall be subject to such terms, conditions and regulations as may be provided and enacted by any general or special Act or Acts which may at the time such agreement is entered into be in force, and to such terms, conditions and regulations general or special as the Lieutenant Governor in Council or any Special Committee of the Executive Council of Ontario appointed for that purpose may from time to time order.

Power to make connections, to be subject to subsequent legislation.

**55.** Shares in the capital stock of the company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company.

Transfer of shares.

**56.** The company shall have power to collect and receive all charges, subject to which goods or commodities may come into their possession, and on payment of such back charges, and without any formal transfer, shall have the same lien for the amount thereof upon such goods or commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

Power to collect back charges on goods.

**57.** Notwithstanding anything contained in this Act, or in any Statute of the Province, no municipality shall have the power to grant to said railway any exclusive rights, privileges or franchise as to the transmission of electrical energy for power, light and heat over or across any public highway or street in said municipality.

Limitation of transmission of electrical energy.



Application  
of Rev. Stat.  
c. 207.

58. Save as expressly provided by this Act the provisions of *The Electric Railway Act* shall not apply to the company hereby incorporated, but the several clauses of *The Railway Act of Ontario* and of every Act in amendment thereof shall be incorporated with, and be deemed to be part of this Act, and shall apply to the said company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act" when used herein, shall be understood to include the clauses of the said Railway Act and of every Act in amendment thereof so incorporated with this Act.

Time for  
commence-  
ment and  
completion.

59. The railway shall be commenced within three years and finally completed within seven years after the passing of this Act.

## SCHEDULE A.

(Section 6.)

KNOW all men by these presents, that I (or we) (*insert the name or names of the vendor or vendors*) in consideration of dollars paid to me (or us) by The Minnetakie, Lac Seul and Albany River Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (or we) *insert the name or names of any other party or parties* in consideration of dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels as the case may be) of land (*describe the land*) the same having been selected and laid out by the said company, for the purposes of its railway, to hold, with the appurtenances, unto the said The Minnetakie, Lac Seul and Albany River Railway Company, their successors and assigns forever, (*here insert any other clause, covenants and conditions required*) and I (or we) the wife (or wives) of the said do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal (or hands and seals) this day of , 19 .

Signed, sealed and delivered  
in the presence of

}

## SCHEDULE B.

(Section 42.)

## CHIEF ENGINEER'S CERTIFICATE.

The Minnetakie, Lac Seul and Albany River Railway Company's  
Office.

No.

A. D. 19 .

## ENGINEER'S DEPARTMENT.

Certificates to be attached to cheques drawn on The Minnetakie, Lac  
Seul and Albany River Railway Company Municipal Trust Account given  
under section 42, chapter 106 of the Acts of the Legislature of Ontario,  
passed in the third year of His Majesty's reign.

I, , chief engineer of The Minnetakie, Lac  
Seul and Albany River Railway Company, do hereby certify that the-  
said Company has fulfilled the terms and conditions necessary to be ful-  
filled under the By-law No. of the Township of

, or under the agreement  
dated the day of 19, between the corporation of  
and the said company to entitle the said company  
to receive from the said trust the sum of

(here set out the terms and conditions, if any, which have been  
fulfilled.)

## CHAPT. R 107.

### An Act to amend the Act incorporating The North Lanark Railway Company.

*Assented to 22nd May, 1903.*

**Preamble.**

**W**HEREAS the North Lanark Railway Company has by petition prayed that an Act may be passed authorizing the extension of the company's line easterly to the City of Ottawa passing through the Townships of Fitzroy, Torbolton, March, Nepean and Gloucester in the County of Carleton and westerly to a point at or near lot number thirteen or fourteen in the second concession of the Township of Blythfield and for such powers and amendments as may be found necessary for the purposes aforesaid and to extend the time for the completion of the said railway; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

62 V. (2) c. 100  
s. 2, repealed.

1. Section 2 of chapter 100 of the Acts passed in the 62nd year of the reign of Her late Majesty Queen Victoria, intituled *An Act to incorporate the North Lanark Railway Company*, is repealed and the following substituted therefor:—

**Location of line.**

2 The company shall have full power and authority to survey, lay out and construct, complete and equip a railway to be operated by steam or electricity with single or double iron or steel tracks from a point at or near lot number thirteen or fourteen in the second concession in the Township of Blythfield in the County of Renfrew; thence passing through the Township of Bagot, in the County of Renfrew, and through the Townships of Darling and Pak-enham in the County of Lanark and through the Township of McNab in the County of Renfrew, to a point at or near the Village of Braeside on the Ottawa River; thence continuing through the said Township of McNab to a point at or near the Town of Arnprior; thence continuing through the said Township of McNab, and through the Township of Fitzroy in the County of Carleton to a point at or near the Village of Fitzroy Harbor on the Ottawa River; thence continuing through the said Township of Fitzroy and through the Townships of Torbolton, March



March, Nepean and Gloucester in the County of Carleton to the City of Ottawa, and the said railway or any part thereof, so far as the same may be operated by electricity may be carried along and upon such public highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same, and subject to the restrictions and provisions therein and in this Act contained, and under and subject to any agreements between the company and the councils of any of the said corporations and between the company and the road companies (if any) interested in such highways; and the company may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway subject to the provisions and conditions contained in this Act *The Electric Railway Act* and in *The Municipal Act* and any Act or Acts amending the same.

Rev. Stat.  
c. 209.  
Rev. Stat.  
c. 223.

2. Section 9 of the said Act is amended by striking out the figures "\$250,000" in the second line thereof and substituting therefor the figures "\$450,000" and by striking out the words "two thousand five hundred" in the fourth line of said section and substituting therefor the words "four thousand five hundred."

62 V. (2) c. 100  
s. 9, amended.  
Capital Stock.

3. Section 11 of the said Act is amended by striking out the word "five" in the fourth line thereof and substituting therefor the words "not less than five nor more than seven."

62 V. (2) c. 100  
s. 11,  
amended.  
Number of  
directors.

4. Section 39 of the said Act is amended by striking out the figures "\$10,000" in the fifth line thereof and substituting therefor the figures "\$20,000."

62 V. (2) c. 100  
s. 39,  
amended.  
Bonding  
powers.

5. Sections 43 and 44 of the said Act are amended by striking out the words "the Ottawa, Arnprior and Parry Sound Railway Company" where they occur in said sections and substituting therefor the words "the Canada Atlantic Railway Company, or the Ottawa and New York Railway Company."

62 V. (2) c. 100  
ss. 43 and 44,  
amended.  
Agreements  
with other  
companies.

6. The said railway shall be completed within five years from the passing of this Act.

Time for  
completion.

7. Section 51 of the said Act is repealed.

62 V. (2) c. 100  
s. 51, repealed.

## CHAPTER 108.

## An Act to amend the Act incorporating The Ontario Electric Railway Company.

*Assented to 22nd May, 1903.*

## Preamble.

**W**HEREAS, The Ontario Electric Railway Company has petitioned for an Act to amend its Act of Incorporation, 2 Edward VII., chapter 87, by adding a clause thereto providing for its organization; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

2 Edw. VII.,  
c. 87,  
amended.

1. The said Act of Incorporation being chapter 87 of the Acts passed in the session held in the second year of His Majesty's reign, is amended by adding thereto as part thereof, the following clause, as section 7a thereof:—

Meeting of  
company for  
election of  
directors.

7a. When and as soon as ten per cent. of the authorized capital stock has been subscribed, and ten per cent. on the subscribed capital has been paid in cash into some chartered bank of the Dominion having an office in the Province of Ontario, to the credit of the Company, and which shall on no account be withdrawn therefrom unless for the services of the Company, the provisional directors, or a majority of them present at a meeting duly called for the purpose shall call a general meeting of the shareholders of the Company for the purpose of organization, at the place where the head office is situate, at such time as they think proper, giving the notice prescribed by section 54 of *The Electric Railway Act*, at which meeting the shareholders who have paid at least ten per cent. of the amount of stock subscribed for by them, shall, from the shareholders possessing the qualifications mentioned in said Electric Railway Act, elect the number of directors prescribed by this Act.

Rev. Stat.,  
c. 209.

## CHAPTER 109.

An Act respecting the Ontario Sault Ste. Marie  
Railway Company.*Assented to 12th June, 1903.*

**W**HEREAS by an Act passed by the Legislative Assembly Preamble.  
of the Province of Ontario in the 44th year of Her late Majesty's reign, chaptered 68, certain persons therein named were constituted a body corporate and politic by and under the name of the Ontario Sault Ste. Marie Railway Company with the powers set out in the said Act; and whereas by an Act passed by the said Legislative Assembly in the 50th year of Her late Majesty's reign, chaptered 78, it was among other things enacted that the time for the completion of the railway and branches which the company was authorized to construct should be extended to six years from the third day of March, 1887; and whereas the said company has expended a considerable sum of money in organization, preparing plans, making surveys, locating the line, and for other purposes, but it was not found practicable to construct the railway authorized within the time limited by the said last mentioned Act, 50 Victoria, chapter 78; and whereas, in pursuance of the powers conferred the organization of the said company was duly completed and continued up to the year 1893 but since that date no annual or other meeting of the shareholders of the said company has been held; and whereas the said company and John Bell and others of the directors elected at the last annual meeting of the shareholders held on the 15th day of March, 1893, have by their petition prayed that the said hereinbefore recited Acts and the powers thereby conferred upon the said company may be revived and amended, and also that the time fixed for the commencement and completion of the said railway and branches may be extended; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Acts hereinbefore recited, and all the provisions thereof not inconsistent with or repealed by this Act, and all the powers heretofore conferred upon the said company are revived and declared to be in full force and effect, and all by-laws

Incorporation  
and Acts  
revived.



laws passed and acts and things done and rights acquired under the authority of the said Acts or either of them shall be construed, held and enjoyed as if the said Acts had not lapsed but had continued to be in full force and effect ; but this shall not be held to prejudice any rights legally acquired since the 23rd day of April, 1893.

Directors.

2. Such of the directors elected at the last meeting of shareholders of the said company held at the City of Toronto on the fifteenth day of March, 1893, as are living at the passing of this Act, are declared to be the directors of the said company and to be vested with all the powers conferred upon the directors of the company by the Acts hereinbefore recited or either of them, or by *The Railway Act of Ontario* and any amendments thereto now in force, and shall continue in office until the meeting of shareholders provided for in the next section is held.

Rev. Stat.  
c. 207.

General meet-  
ing of share-  
holders to  
elect directors.

3. A general meeting of the shareholders of the said company for the purpose of electing directors and the transaction of general business shall be held at the City of Toronto within two months from the passage of this Act, and the directors then chosen shall hold office until the next annual general meeting of the company or until successors are appointed as provided by law. Notice of the time and place of holding the meeting of shareholders hereby directed shall be duly given as required by section 12 of the said Act passed in the 44th year of the reign of Her late Majesty Queen Victoria and chaptered 68.

44 V., c. 68,  
s. 5, repealed.

4. Section 5 of the said Act, 44 Victoria, chapter 68, is hereby repealed and the following substituted therefor :—

Power to re-  
ceive gifts in  
aid of under-  
taking.

5. The company may receive from any Government, or from any person or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway by way of gift, bonus or loan of money or debentures or other securities for money, or by way of guarantee upon such terms and conditions as may be agreed upon.

44 V. c. 68, s.  
8, amended.

5. Section 8 of the said Act is amended by adding after the word "company" in the second line thereof the words "unless it shall be approved by resolution of the directors nor," and adding at the end of the said section the words "within one month after subscription."

Rights of  
a iens.

6. Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the company, and all such shareholders, whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible for office as directors in the company.

7. Shares in the capital stock of the company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company or the surrender thereof dispensed with by the company. Shares and their transfer.

8. Section 10 of the said Act is amended by striking out all the words therein after the words "*The Railway Act of Ontario*" in the seventh line thereof and substituting the following "and the said board may employ and pay one of their number as managing director." Managing director.

9. The head office of the company shall be at the City of Toronto or at such other place in the Province of Ontario as the company determines by by-law. Head Office.

10. At all meetings of the company the shareholders thereof may vote by proxy, and the proxy may be appointed in such manner and by such means as the by-laws of the company may provide, but no person shall be qualified to be so appointed who is not himself a shareholder in the company. Voting at meetings.

11. It shall be lawful for the directors of the company to enter into any agreement or agreements with any other company or companies, if lawfully authorized to enter into such agreements, or with any person or persons, for leasing, hiring or use of any locomotives, carriages, rolling stock and other moveable property from such companies or persons for such time or times and on such terms as may be agreed on; and also to enter into agreements with any railway company or companies if so lawfully authorized, for the use by one or more of such contracting companies of the locomotives, carriages, rolling stock and other moveable property of the other or others of them on such terms as to compensation or otherwise as may be agreed upon. Agreements as to rolling stock.

12. Section 21 of the said Act, 44 Victoria, chapter 68, is repealed and the following substituted therefor:— 44 V., c. 68, s. 21, repealed.

21. The company may also construct an electric telegraph line and a telephone line throughout and along the whole line of their railway and the branches thereof or any part of the said railway or branches and for the purpose of constructing, working and protecting the said telegraph and telephone lines the powers conferred upon telegraph companies by *The Act respecting Telegraph Companies*, being chapter 192 of the Revised Statutes of Ontario, 1897, are hereby conferred upon the company; provided that no poles shall be erected in the construction of either of the said lines in or through any city, town, or incorporated village without the consent of the council of such city, town or village being first obtained by the company; and the company may undertake the transmission Telegraph and telephone lines.

mission of messages for the public by such line or lines of telegraph and collect tolls for so doing.

Exemptions  
from taxation.

**13.** It shall be lawful for the corporation of any municipality through any part of which the railway of the company passes, or in which it is situate, by by-law especially passed for that purpose, to exempt the company and its property within such municipality, either in whole or in part from municipal assessment or taxation, or to agree to a certain sum per annum or otherwise in gross, by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein.

Grants of  
lands from  
municipal-  
ities.

**14.** Any municipality through which the said railway may pass or is situate is empowered to grant, by way of gift to the company, any lands belonging to such municipality, or over which it may have control, which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway; and the said railway company shall have power to accept gifts of land from any government, or any person or body, corporate or politic, and shall have power to sell or otherwise dispose of the same for the benefit of the company.

Snow fences.

**15.** The company shall have the right on and after the first day of November in each year, to enter into and upon any lands of His Majesty, or into and upon any lands of any corporation or persons whatsoever, lying along the route or line of said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be hereafter established in the manner provided by law in respect of such railway, to have been actually suffered, provided always that any such snow fences so erected shall be removed on or before the first day of April next following.

Taking  
materials for  
roadbed.

**16.** When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause an Ontario land surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration as in case of acquiring the roadway, and the notice of arbitration, the award and the tender of compensation, shall have the same effect as in case of arbitration for the roadway; and all the provisions of *The Railway Act of Ontario*, and of this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right



right to convey, and the parties from whom land may be taken or who may sell, shall apply to the subject matter of this section, as to the obtaining materials as aforesaid; and such proceedings may be had by the company either for the right to the fee simple in the land from which said materials shall be taken, or for the right to take materials for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

**17.** (1) When said gravel, stone, earth or sand shall be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions of the *The Railway Act of Ontario*, and of this Act, except such as relate to filing plans and publications of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years or permanently, as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway.

Sidings to  
gravel pits.

Rev. Stat.  
c. 207.

(2) When estimating the damages for the taking of gravel, stone, earth or sand, subsection 9 of section 20 of *The Railway Act of Ontario* shall not apply.

Rev. Stat.  
c. 207.

**18.** The company shall have full power to purchase land for, and erect warehouses, elevators, docks, stations, workshops and offices, and to sell and convey such land as may be found superfluous for any such purpose, and the company shall have power to hold as part of the property of the said company, as many steam or other vessels as the directors of the company may deem requisite, from time to time, to facilitate the carriage of passengers, freight and other traffic in connection with the railway, and shall also have power to build, own and manage hotels for the accommodation of tourists and the general public in the vicinity of its railway or branches, and mortgage, lease, sell or otherwise dispose of the same, and also to make use for the purposes of the said railway, of the water of any lake, stream or water course at or near which the said railway passes, doing, however, no unnecessary damage thereto, and not impairing the usefulness of such stream or water course.

Warehouses,  
elevators,  
docks, etc.

**19.** The company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges, and without any formal transfer shall have the same lien for the

Powers to col-  
lect back  
charges on  
goods.

the amount thereof upon such goods or commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

Time for completion of line extended.

**20.** The time for the completion of the said railway is extended to five years from the passing of this Act and this section shall have the same effect as if the time herein mentioned was the period fixed for the completion of the said railway by the Acts hereinbefore recited or either of them.

## CHAPTER 110.

## An Act respecting the Petrolea Rapid Railway Company.

*Assented to 12th June, 1903.*

**W**HEREAS, by an Act of the Legislature of the Province Preamble.  
of Ontario, passed in the second year of His Majesty's  
reign, chaptered 92 and intituled, *An Act to incorporate*  
*The Petrolea Rapid Railway Company*, the said Company  
is authorized and empowered to construct and operate an Elec-  
tric Railway in and through certain municipalities mentioned  
in the said Act; and whereas, the Company have by their peti-  
tion prayed that an Act may be passed to authorize and  
empower the said Company to extend its line of railway in  
and through the Town of Sarnia, the Village of Point Ed-  
ward and the Township of Sarnia to Wees Beach in the said  
Township of Sarnia in the County of Lambton; to in-  
crease the capital stock of the said Company by the  
sum of \$200,000, and to provide that the said additional  
capital stock may be wholly or in part preferred, to meet  
the carrying out of the proposed extensions; to authorize  
and empower the said Company to make connections and run-  
ning arrangements with the Michigan Central Railway Com-  
pany; and to ratify and confirm certain By-laws, being By-law  
"No. 5 of 1902" of the Corporation of the Township of Moore,  
dated the 26th day of April, A.D. 1902, and the Agreement  
made in pursuance thereof between the said petitioners and  
the Corporation of the Township of Moore and dated the 21st  
day of June, A.D. 1902, and By-law "No. 9 of 1903" of the  
Corporation of the Township of Enniskillen, dated the 11th  
day of April, A.D. 1903, and the Agreement made in pursuance  
thereof between the said petitioners and the Corporation of  
the Township of Enniskillen, and dated the 11th day of April,  
A.D. 1903; and whereas it is expedient to grant the prayer  
of the said petition;

Therefore His Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:—

1. Section 2 of chapter 92 of the Acts passed in the second  
year of His Majesty's reign and intituled *An Act to incor-  
porate The Petrolea Rapid Railway Company* is hereby  
amended by inserting immediately after the word "Ennis-  
killen" in the 25th line thereof the following words, "and a  
line in and through the said Town of Sarnia, the Village of  
Point Edward and the Township of Sarnia to Wees Beach in  
the said Township of Sarnia."

2 Edw. VII,  
c. 92, s. 2,  
amended.



Capital Stock. 2. The capital stock of the said Company is hereby increased from \$300,000 to \$500,000.

Preference Stock. 3.—(1) The directors may make a by-law for creating and issuing any part of the additional capital stock as preference stock, giving the same such preference and priority as respects dividends and otherwise over ordinary stock as may be declared by the by-law.

Provisions of by-law creating. (2) The by-law may provide that the holders of shares of such preference stock shall have the right to select a certain stated proportion of the Board of Directors or may give them such other control over the affairs of the Company as may be considered expedient.

Special proviso. (3) No such by-law shall have any force or effect whatever until after it has been unanimously sanctioned by a vote of the shareholders present in person or by proxy at a general meeting of the Company duly called for considering the same; or unanimously sanctioned in writing by the shareholders of the Company; provided, however, that if the by-law be sanctioned by three-fourths in value of the shareholders of the company, the company may, through the Provincial Secretary, petition the Lieutenant-Governor in Council for an order approving the said by law, and the Lieutenant-Governor may, if he sees fit, approve whereof, and from the date of such approval the by-law shall be valid and may be acted upon.

Rev. Stat. c. 209. (4) Holders of shares of such preference stock shall be shareholders within the meaning of *The Electric Railway Act*, and shall in all respects possess the rights and be subject to the liabilities of shareholders within the meaning of *The Electric Railway Act*; provided, however, that in respect of dividends and otherwise they shall, as against the ordinary shareholders, be entitled to the preferences and rights given by such by-law.

Rights of creditors preserved. (5) Nothing in this section contained or done in pursuance thereof, shall affect or impair the rights of creditors of the company.

Running arrangements with M. C. R. Ry. Co. 4. Subject to the provisions of *The Electric Railway Act* and the Act incorporating the said Company, the Company shall have power to enter into any Agreement with the Michigan Central Railway Company for connections and running arrangements.

By-law No. 5, 1902, of Township of Moore, confirmed. 5. Subject to the provisions hereinafter contained, By-law "No. 5 of 1902" of the Municipal Corporation of the Township of Moore and the Agreement made in pursuance thereof, set forth in Schedule A to this Act, are hereby confirmed and declared legal, valid, and binding upon the said Municipal Corporation

Corporation notwithstanding any want of jurisdiction on the part of the Municipality to pass the same.

- (a) The Company shall not operate its cars by steam on any public highway, and all the rights and privileges given by the said Municipality to the said Company shall be exercised by the said Company under and in pursuance of the terms and conditions of *The Electric Railway Act*; and in each and every case where the provisions of the said Act and of the said by-law conflict, then the provisions of the said Act shall govern.
- (b) The said Municipal Council may at any time, and from time to time grant any other person or Corporation the right of crossing the railway of the said Company with any other railway, provided that nothing herein contained shall be construed as limiting the sole rights and privileges of the Company, acquired under section one of the said by-law to operate cars along the streets therein named.

6. Subject to the provisions hereinafter contained, By-law "No. 9 of 1903" of the Township of Enniskillen and the Agreement made in pursuance thereof set forth in Schedule B to this Act, are hereby confirmed and declared legal, valid, and binding upon the said Municipal Corporation notwithstanding any want of jurisdiction on the part of the Municipality to pass the same.

By-law  
No. 9, 1903, of  
Enniskillen,  
confirmed.

- (a) The Company shall not operate any car or cars on the Lord's Day for the purpose of carrying His Majesty's mails, but the said Company shall continue to be subject to the operation of Section 136 of *The Electric Railway Act*, and to the provisions thereof, as fully and completely as if the said by-law had never been ratified.
- (b) The rights and privileges of the Company thereunder shall extend for a period of thirty years from the date of its acceptance by the said Company, and shall be renewable for a further period of twenty years upon such terms and conditions as may be agreed upon by the said Company, or in case of disagreement between the said parties, upon such terms and conditions as may be determined by arbitration, under the provisions of *The Municipal Act*.

## SCHEDULE A.

## BY-LAW No. 5, 1902.

A by-law to authorize and empower "The Petrolea Rapid Railway Company" to locate and operate a single iron or steel railway for the passage of cars, carriages and other vehicles adapted to the same, upon and along certain streets and highways in the Township of Moore and to declare and prescribe the terms and conditions on which its railway may be constructed, maintained and operated.

Whereas the Legislature of the Province of Ontario on the 17th day of March, A. D. 1902, passed an Act entitled, *An Act to Incorporate The Petrolea Rapid Railway Company* by which the said Company (hereinafter called the Company) are authorized and empowered to construct and operate a railway through the Township of Moore, subject to any agreement to be made between the Council of such Municipality and the Company and under and subject to any by-law of the Municipality;

And whereas the Corporation of the Township of Moore, (hereinafter called the Corporation) and the Company are, by the said Act respectfully authorized to make and enter into any agreements relating to the construction and operation of the said railway;

And whereas the Corporation are, by the said Act, authorized to pass any by law or by-laws for the purpose of carrying into effect any such agreement or agreements;

Be it therefore enacted by the Municipal Council of the Corporation of the Township of Moore :—

1. That the said "The Petrolea Rapid Railway Company," its successors and assigns, shall, subject to the conditions, limitations and provisions hereinafter contained, have the sole right and privilege, in so far as the Council has power to grant the same, of constructing, maintaining, completing and operating, and from time to time removing and changing as required a single iron or steel railway, with the necessary sidetracks and turnouts for the passage of cars, carriages and other vehicles adapted to the same, upon and along those portions of the streets or roads in the Township of Moore, namely :—

(a) The original allowance for a road (known as the River Road) from its intersection with the southerly limit of the Sarnia Indian Reserve to its intersection with the northerly limit of the Township of Sombra, passing through the unincorporated Village of Corunna, along what is known as the River Road or Lyndoch Street, through the unincorporated Village of Moore along Emily Street and west on Napoleon Street, to, in and through the unincorporated Village of Courtright and along the said River Road, or along such other streets in the said unincorporated Villages of Moore and Courtright as shall be agreed upon between the said Company and the Corporation.

(b) The original allowance for a road between the 10th and 11th concessions of the said Township of Moore, commencing at the River St. Clair and passing through the said Village of Corunna along Hill Street to its intersection with the westerly limit of the Township of Enniskillen.

(c) The sideroad between lots 6 and 7 from the Concessions Road between the 10th and 11th concessions to the northerly limit of Sombra Township and known as Brigden side road, passing through the unincorporated Village of Brigden along what is known as Main Street, or such other street as may be agreed upon between the said Company and the Corporation.



2. Such railway shall consist of a single track with all necessary switches, sidetracks and turnouts, laid down as required by law, and shall be laid down in such position on such highway and in such manner as shall be approved of by the Township Council, but in no case, except when crossing the highway, shall the track be laid on the graded portion of the highway, or between the ditches, but shall be laid on the side of the road, and at such distance from the travelled portion thereof as shall be approved of by the Township Council, except in Villages, where the track shall be located as fixed by the Council at time of construction.

3. The location of the line of railway in the said streets or highways shall not be made until the plans thereof, showing the position of the rails and other works on said streets or highways, shall have been submitted to and approved of by the Township Council.

4. The gauge of the said railway shall be four feet eight and one-half inches.

5. The rails to be used shall be the standard "T" rail, and shall be laid down in such a manner as shall least obstruct the passage of vehicles and carriages over the same.

6. The tracks of the said railway and all works necessary for constructing and laying the same shall be constructed in a substantial manner according to the best modern practice. During the operation of laying, removing and relaying the rails, a free passage for carriages and vehicles over the streets and highways shall be kept open and not obstructed, and immediately after the rails shall have been laid or relaid, as the case may be, the material removed or dug up in laying or relaying as aforesaid shall be either removed from or spread over the street or highway from which the same shall have been taken as shall be directed by the Township Council or such person as they may depute.

7. Space between the rails of the said railway and the roadway to a distance of eighteen inches on both sides thereof shall be kept in a good state of repair, and where the said road shall be constructed on the highway, or where it shall cross the highway, it shall be constructed and maintained even with the grade of the highway, and to the satisfaction of the said Municipal Council, and the said Company shall also be bound to construct and keep in repair crossings of a character provided by the said Municipality, and shall be planked between the rails and for one foot on each side thereof, which planks shall be kept one-half inch higher than the rails, and wherever farm crossings, bridges, culverts or waterways, including drains of all kinds, are found by the Municipal Council to be necessary for drainage or other purposes, the same shall be constructed by the said Company in a manner to be approved of by the said Municipal Council, but in case of tile drains the owner of the adjoining lands shall pay the Company such sum as it would have cost to have put in the drain across the railroad had such railroad not been there. And every owner of adjacent land, whether as now or hereafter subdivided, shall be entitled to a farm crossing over the Company's road.

8. The cars upon the said railroad shall be of modern type propelled by electricity, or with the consent of the said Corporation expressed by By-law, any other motive power except steam, which is or may become suitable for railway purposes, provided however, that in the event of the freight business of the Company increasing to such an extent as to render the handling of freight cars by electricity impracticable, the said Company shall have the privilege of hauling said freight by means of dummy engines with steam as a motive power, and in the event of the said dummy engines being used the same shall only be operated between eleven o'clock in the evening and six o'clock in the morning, provided also that the said Company shall have the privilege of using steam as a motive power for construction purposes during the construction of the said railroad. And all motor cars shall be provided with fenders of a modern and up-to-date type.

9. The said Company shall commence the construction of the said railway not later than two years from the date hereof, and shall complete the same by December 31st, 1904, except in case of delays by strikes, legal or other proceedings beyond their control; in which event the time in which the said Company is delayed shall be allowed beyond the time herein specified; provided, however, that the time for completion of certain sections of the said railway may be extended by the Corporation upon good cause for such extension being shown, but in no case shall such extension exceed one year.

10. Suitable bridges and crossings of a character satisfactory to the council shall be constructed and kept in good repair by the company at all highways and farm crossings. All necessary poles shall be located next to the fence line of said road and between the said railroad and the fence nearest the track, except in case of switches, and where passing through villages double poles may be used. And the wires and overhead construction shall not be less than eighteen feet above the rails.

11. The fares to be charged by the said company shall not exceed a rate per mile of two cents for each person, but all children under five years of age when accompanied by parent or other person having them in charge shall be carried free, but the Company shall not be bound to carry any passenger any distance for less than five cents, except children as aforesaid, and between the hours of eleven o'clock in the evening and six o'clock in the morning, the Company shall have the right to charge double the said fare.

12. Whenever it shall be necessary to remove snow or ice from the track or tracks of the said Company, the same shall be by the said Company evenly spread over the highway, so as not to obstruct the free passage of sleighs or other vehicles along the said highway, or removed by the said Company as shall be directed by the proper officer of the said Corporation.

13. Whenever, by reason of snow or ice, the tracks of the said Company shall be obstructed to such an extent as to interfere with the running of the cars of the said Company, the said Company is authorized to use a sufficient number of sleighs, wagons or other vehicles to answer the requirements of traffic until such time as the said cars can again be used, and the said Company can charge fares for carriage on the sleighs, wagons or other vehicles as if the same were cars of the said Company and being run on the track of the said Company.

14. The number of trips shall not be less than four each way daily, unless prevented by unavoidable accident or obstructions caused by storms.

15. Passenger cars shall be run through the said Township at a rate of speed of not less than ten miles per hour, but where passing through villages the rate of speed shall not exceed twelve miles per hour.

16. No cars shall be allowed to stop in front of an intersecting highway except to avoid collision or to prevent injury to persons on the highways or for other unavoidable reason.

17. After sunset the cars shall be provided with colored signal lights for the front and rear.

18. The cars shall be entitled to the track and every vehicle upon the track of the Company shall turn out when any car comes up, so as to leave the track unobstructed, and any driver of a vehicle refusing to turn out when warned or requested to do so by the driver of any car, shall be liable to a fine not exceeding ten dollars (\$10.00) exclusive of costs to be imposed by any Justice of the Peace for the County of Lambton, having jurisdiction in the said Township and in case of non-payment to be collected by the distress and sale of goods of the offender, and in default  
of

of sufficient distress, the offender may be imprisoned in the County Jail for the said County of Lambton for a period not exceeding twenty-one days without or with hard labor.

19. In building their railway along those portions of the highway referred to in subsection "A" of section one of these By-laws, where the said highway passes along the River St. Clair, the said company, shall at their own expense widen the road sufficiently to lay their track without encroaching on the existing width of roadway and shall cross the channels of all the creeks and streams which intersect the said railroad crossing any of the roads mentioned in section 1 of this By-law on separate bridges of their own construction, and in no event shall the said company lay their track on the public highway bridges or culverts across those streams, or other creek or stream.

20. The said railway shall be constructed, erected, laid down and arranged as to impede or incommode the public use of any street or highway or public place as little as possible and so as not to be a nuisance thereto, nor to interfere with the free access to any house or other building erected in the vicinity of the same, nor to endanger the same, nor to interfere with the free access to the River St. Clair or other water privileges.

21. Where it is necessary, in constructing their railway, for the boundary fences to be set back so that the Company's track shall not interfere with the travelled portion of the highway, the Company shall deal with the owners of the adjacent land.

22. The rights and privileges granted by these By-laws shall extend for a period of thirty years from the date of its acceptance by the said Company, and shall be renewable for the further period of twenty years upon such terms and conditions as may be agreed upon between the said Corporation and the said Company, or in case of disagreement between the said parties, upon such terms and conditions as may be determined by arbitration, under the provisions of *The Municipal Act*, and in the event of legislation being sought to legalize or authorize such renewal or renewals for such further term of years, the said Corporation shall, at once, on request being made by the said Company, aid in procuring such legislation, provided the terms and conditions upon which such renewal is asked for are satisfactory to the Corporation.

23. All the property of the Company used in connection with the construction and operation and other objects covered by this By-law and appertaining thereto, and the income derived therefrom by the Company shall be exempt from taxation and from all local rates and charges for a period of twenty-one years from the date hereof, and as far as the said Township of Moore has power to grant the same or to recommend the same, such exemption shall continue and be for the further period of ten years, and the said Township shall consent to any necessary legislation in that behalf, provided, however, that this exemption shall not apply to school rates.

24. The Company shall have the right to carry freight, express or mail matter within or through the said municipality and charge a reasonable compensation for carrying the same. In the event of the said Company seeing fit to run cars for carrying milk the said cars may be operated on Sundays for that purpose and a reasonable compensation charged therefor.

25. So far as the Municipal Council has power to grant the same, the Company may deflect its line from the said streets, roads and highways and operate the same along and across private properties after expropriating the necessary rights of way under the provisions of the Statutes in that behalf, or otherwise acquiring the same.

26. Where the said Company shall operate their line along a private right of way, and the said railway crosses the highways intersecting the said highways referred to in the subsections of Clause "1" of these By-laws,



laws, the privileges and exemptions hereby granted by these By-laws shall extend and be applicable to such crossings of said intersecting highways.

27. The Company shall have the right to lease its works or any part thereof or dispose otherwise of the same and also the rights and privileges hereby granted to any person or corporation but subject to the provisions of these By-laws.

28. The Municipality shall join with the Company in any petition or application which the Company may make to obtain the privilege of crossing the railway track of any steam railway, which it may be necessary for the Company to cross under the provisions of this By-law, but the Corporation shall not be required or compelled to incur any expense therewith.

29. All provisions of this By-law, if any which are beyond the jurisdiction of the said Corporation to enact, shall not operate or come into force until the same is sanctioned, ratified and confirmed by the legislature of the Province of Ontario.

30. The Corporation shall join with the Company in applying to the legislature of the Province of Ontario for legislation confirming, ratifying and legalizing this By-law and the agreement to be entered into between the Corporation and the Company pursuant thereto, but the said Company shall pay all the costs of such legislation including the costs of the Corporation, if any.

31. This By-law and the powers and privileges hereby granted shall not take effect or be binding on the said Corporation, unless and until formally accepted by the said Company within sixty days after its incorporation by an agreement that shall legally bind the said Company to observe and comply with all the agreements, obligations, terms and conditions herein contained and which agreement shall be approved by the Township Solicitor and executed by the Company, and under the seal of the said Corporation by the Reeve and Clerk.

32. The Corporation shall not be liable to the Company for any encroachment of ditches or drains upon, towards or under the tracks of the Company and the Corporation shall have the right to require the said tracks to be located at such distance from said drains and ditches as it may appear necessary to the said Corporation to have the same in order that such tracks may not interfere with such drains or ditches.

33. If any person, persons or corporation shall desire to remove any building or buildings or any other large substance across or in villages along the track of the railway where the same is situated upon the highway they shall have the right to do so and have a reasonable time therefor, provided that the said person or persons or corporation shall give the Company two days' notice of their intention to remove such building or buildings or other large substance. And the Company's wires and overhead construction shall be removed at the expense of the Company.

34. The rights, privileges and franchises granted by this By-law shall be subject to all the conditions, provisions and stipulations contained in this by-law, and also subject to the provisions contained in *The Electric Railway Act* and in every Act in amendment thereof, or substitution therefor, but where the provisions of said Acts and this By-law are dissimilar, then the provisions of this By-law shall govern.

35. Should the Company fail to complete said railway, or to commence operating the same within the time limited by this By-law, or should the said Company, after completion, fail to continue to operate the same, or to comply with the provisions of this By-law contained, for the space of one month after written notice of such neglect or default shall be served on the Company, then the said persons and company shall forfeit all privileges and rights which they have acquired by said grant or under this

By-law,

By-law, and the Corporation shall have, the right to remove all materials and obstructions from the highways at the expense of the Company; but in respect of those portions of the proposed roads south of Courtright and south of Brigden in the event of their or either of their non-construction or non-user the said forfeiture shall only apply to such respective portions.

36. The Company will indemnify and hold harmless the said Corporation from all loss, costs, damages and expenses of any kind which may be incurred in consequence of any litigation in connection with anything done or permitted under the provisions of this By-law, or in consequence of the construction or operation or existence of the Company's railway or other works.

37. In the event of any other person, persons, firm or corporation proposing within the next five years to construct a railway or railways on any of the highways not occupied by the Company or not herein specifically named, or not within the area as to which the said Company has hereby exclusive rights, subject to the conditions hereto, the matter of the proposal shall be notified to the company, and the option of constructing such proposed railway or railways on the conditions contained in this By-law, or on the conditions contained in such proposal, as the municipality shall elect, shall be offered to the said Company, but if such option be not accepted by the said Company within six months after such notification, or if the same having been accepted, the Company will not proceed to complete the necessary works immediately after the expiration of said term of six months from the date of said service of said notice, the municipality may grant the privilege to any person, persons or company, and the municipality and its grantees shall be entitled to cross the railways of the Company by railways traversing other highways, provided always that nothing herein contained shall be taken to bind the municipality to grant to the company or to anyone else the right to construct a railway or railways upon the highways other than those specially named, and that the right of this option shall wholly expire and be at end in five years from the date of this By-law.

38. Subject to clause 37 of this By-law the franchise by this By-law granted is subject to the right of the Corporation to grant to other persons of other companies the right to cross with their railways the tracks of the Company at such places as to the said Corporation may appear necessary or advisable, but such crossings are to be put in at the expense of the Company applying for the same, and this franchise is granted subject to all existing rights in any person or persons or company, whatsoever, outstanding against the township.

This By-law shall be known as By-law number "5 of 1902" of the Township of Moore.

Finally passed this twenty-sixth day of April, A. D., 1902.

CHAS. C. WATSON, Clerk.

JAS. SMITH, Reeve.

Articles of agreement made this twenty-first day of June, in the year of our Lord one thousand nine hundred and two, between the Corporation of the Township of Moore (hereinafter called the Corporation) of the first part, and the Petrolia Rapid Railway Company (hereinafter called the Company) of the second part.

Whereas by an Act of the Legislature of the Province of Ontario, passed on the seventeenth day of March, in the year of our Lord, one thousand nine hundred and two, entitled "An Act to incorporate the Petrolia Rapid Railway Company," the said Company is authorized and empowered

empowered to construct and operate a railway through the Township of Moore, subject to any agreement to be made between the Council of the said Township of Moore and the Company, and under and subject to any By-law of the said Corporation ;

And whereas the Council of the said Corporation on the twenty-sixth day of April in the year of our Lord one thousand nine hundred and two, passed By-law number "5 of 1902," granting to the Company certain rights for the construction and maintenance and operation of an Electric Railway upon and along certain streets and highways of the said Township of Moore, upon and subject to the terms, conditions, agreements, stipulations, regulations, obligations, provisions and things, therein contained, a copy of which said By-law is hereto annexed.

And whereas these presents are intended to give effect to said By-law and the same have been approved of by the Township Solicitor.

Now therefore these presents witnesseth that in consideration of the granting of the rights and privileges which are by the said By-law granted by the Corporation to the Company, the Company do, for themselves, their successors and assigns, covenant, promise and agree to and with the Corporation and their successors in manner following, that is to say :

That the Company do hereby accept the said By-law, and that the Company, their successors and assigns, will in all things conform to, obey, perform, observe, fulfill and keep all and every the terms, conditions agreements, stipulations, regulations, obligations, provisos and things in said By-law contained, upon, under and subject to which the said rights and privileges are by the said By-law granted to the Company, and will do and perform all acts, matters and things which the said By-law provides are to be done by or on behalf of the Company and will not do anything which the said By-law provides is not to be done by the Company.

And the Corporation do hereby ratify and confirm the said By-law and the rights and privileges hereby granted to the Company, subject, however, to all the terms, conditions, agreements, stipulations, regulations, obligations, provisos, and things in the said By-law contained.

In Witness whereof the Corporation have caused to be affixed the Corporate Seal and the Reeve and Township Clerk have set their hands and the Company have caused to be affixed their Corporate Seal and their President and Secretary have set their hands the day and year first above written.

Signed, sealed and delivered,  
in the presence of

As to Execution by James Smith and Chas. C. Watson	}	JAS. SMITH,	Reeve.	[seal.]
J. D. MCINTOSH		CHAS. C. WATSON,	Clerk.	
As to execution by J. W. Harold and S. A. Armstrong,	}	J. W. HAROLD,	President.	[seal.]
E. W. CLEMENT.		S. A. ARMSTRONG,	Secretary.	



## SCHEDULE B.

## BY-LAW No. "9 OF 1903."

A By-law to authorize and empower "The Petrolea Rapid Railway Company" to locate and operate a single iron or steel railway for the passage of cars, carriages, or other vehicles, upon and along certain streets and highways in the Township of Enniskillen, and to declare and prescribe the terms and conditions on which its railway may be constructed, maintained and operated.

Whereas the Legislature of the Province of Ontario, on the 17th day of March, A.D. 1902, passed an Act entitled "An Act to incorporate The Petrolea Rapid Railway Company" by which the said Company (hereinafter called the Company) are authorized and empowered to construct and operate a railway through the Township of Enniskillen, subject to any agreement to be made between the Council of such Municipality and the Company, and under and subject to any By-law of the Municipality;

And whereas the Corporation of the Township of Enniskillen, (hereinafter called the Corporation) and the Company, are, by the said Act, respectively authorized to make and enter into any agreements relating to the construction and operation of the said railway ;

And whereas the Corporation are, by the said Act, authorized to pass any by-law or by-laws for the purpose of carrying into effect any such agreement or agreements ;

Be it therefore enacted by the Municipal Council of the Corporation of the Township of Enniskillen as follows :—

1. That the said "Petrolea Rapid Railway Company," its successors and assigns, subject to the conditions, limitations and provisions hereinafter contained, are hereby granted the right to lay out, construct, make, alter and keep in repair a single iron or steel railway to be operated by electricity or any other motive power except steam, which is or may become suitable for railway purposes, and which may be approved of by the said Corporation, with single iron or steel tracks, with necessary side-tracks and turnouts for the passage of cars, carriages and other vehicles adapted to the same, and with all necessary poles, wires and overhead construction for the completion and operation of the said railway, on or over and along and upon those portions of the public highways of the Township of Enniskillen herein described, subject to the rights of any Telegraph or Telephone Company over the said highways.

(a) The original allowance for a road between the tenth and eleventh Concessions of the Township of Enniskillen from its intersection with the Easterly limit of the Township of Moore to its intersection with the Westerly limit of the Town of Petrolea.

(b) The sideroad between lots fifteen and sixteen from its intersection with the Southerly limit of the Town of Petrolea to its intersection with the Northerly limit of the Village of Oil Springs to its intersection with the Southerly limit of the Village of Oil Springs to the Northerly limit of the Township of Dawn, and the road allowance along the town line between the Township of Dawn and Enniskillen from the said sideroad to the road allowance between the Seventh and Eighth Concessions of the Township of Dawn, and that part of all intersecting road allowances lying and being between the nearest boundary line of either of the road allowances mentioned in subsection A and B, and a point 60 feet distant from said boundary line.

Provided,

Provided, however, that the position of the tracks on the said highway and the grade thereof shall be determined by the Township engineer for the time being, subject to the approval of the said Council, and that the said Company shall not lay out, construct, make nor operate their said railway on the graded, metalled or travelled portion of the said highways, except where said Council order the tracks to be so constructed, and that the Company shall have the privilege of using steam as a motive power during the construction of the railway.

2. The said Company shall, subject to the next preceding clause, select the route over which they intend to build their railway and give notice thereof to the Corporation within nine months from the passing of this By-law. Such notice shall be in writing, accompanied with a map or plan showing accurately the position of the tracks on the said highways, and the grade at each crossing of the highway and each intersecting highway, and the position of the poles, and shall be filed in the office of the Clerk of the Township within the time mentioned above.

3. The Company shall have the right to lease their works or any part thereof, and also the rights and privileges hereby granted, to any person or corporation, but all the terms and conditions of this By-law shall be binding upon any such person or corporation to whom said works or any part thereof or rights and privileges hereby granted may be leased, and such person or corporation shall take subject to the terms and provisions hereof.

4. The said railway shall be constructed in a substantial manner according to the best modern practice, with a single iron or steel track, with such switches, turnouts, sidetracks and crossovers as may be necessary to afford ample facilities for the proper working of the railway for passenger traffic, with all necessary poles, wires, and overhead construction along such route for the completion of the said railway, and its operation by running cars thereon by means of electricity, or by any other motive power except steam which is or may become suitable for railway purposes, and which may be approved of by the Corporation, and the said railway shall be constructed in such a position on the highway as the Township Engineer shall direct and the Township Council shall approve of.

5. The construction of the said railway shall be fully completed and the said railway shall be in operation on or before the expiration of three years from and after the date of the final passing of this By-law, but the time for completion of certain sections of said railway may be extended by the Township Council on good cause being shown.

6. The rights conferred upon the said Company and the agreement to be executed in pursuance hereof, shall in no case be taken to prevent the said Township Council or their grantees from crossing the railway of said Company or traversing said highways by other railways to whom privileges therefor may be granted by said Township Council, all of which rights are hereby expressly reserved.

7. The gauge of the said railway shall be four feet eight and one half inches.

8. The rails to be used shall be the standard "T" rails, and shall be laid in such a manner as the Township Engineer may direct and the said Township Council may approve of.

9. The poles to be used by the said company shall be of cedar, wood or iron, straight and perpendicular, and of such height that all wires and other overhead construction shall not be less than eighteen feet above the level of the surface of the rails, or such other greater height as the Township Engineer may certify to be necessary for safety. All poles shall be located between the said railway and the limit of the original allowance for a road nearest the railway, except in villages, and in case

of switches where double poles may be used, and no poles shall be placed between the said railway and the travelled portions of the said highway, and the position of any and every pole shall be controlled by the Township Council.

10. The said Company shall construct and keep in repair the roadbed between the rails and for eighteen inches on the outside of the rails, and the said roadbed wherever and as to such portion of said roadbed as is occupied by the said Company shall be graded by the company as may be directed by the said Township Engineer, and approved of by the said Council, and where the said Council permit the track or ties of the said railway to encroach on or interfere with or cross over the graded or travelled roadbed of the public highway, the said Council may direct that the space between the rails and for eighteen inches beyond the rails, shall be constructed and maintained by the said Company with plank or other suitable material and that the surface of said planks or other suitable material shall be maintained flush with the rails of the said railway throughout the length of such encroachment, interference or crossover, and should the Corporation at any time deem it necessary that the surface of the said planks or other suitable material be maintained one half inch higher than the rails, the same shall be so maintained on notice served by the Corporation and the surface of the rails shall be flush with the surface of the said graded or travelled roadbed, and it shall be lawful to and for all and every person and persons whatever to travel upon and use the said tracks wherever and as to such portions thereof as lie upon the graded portion of any highway, with their vehicles, loaded or empty when and so often as they may please, provided they do not impede or interfere with the cars of the Company running thereon.

11. At the intersection of every public highway at right angles with the Company's railway twenty-four feet in length of the Company's track for the whole width between the rails and for eighteen inches on the outer side of each rail shall be bridged or covered over with planks the surface of which shall be maintained flush with the rails of the said railway, and should the Corporation at any time deem it necessary that the surface of said planks be maintained one half inch higher than the rails, the same shall be so maintained on notice served by the Corporation, and such crossings and proper approaches thereto shall be constructed and maintained by the said Company in such manner as the Township Engineer shall direct and said Council approve of.

12. The Company shall construct and keep in good repair proper crossings and entrances for the convenience of persons owning or occupying property along the line of said railway, over the Company's tracks and to such property; and any crossings and entrances to any subdivisions of said property at any time hereafter made, and shall alter or remove and replace any crossings to suit the requirements of the changed conditions of any property, sixteen feet in length of the track for the whole width between the rails and for eighteen inches on the outer side of each rail shall be bridged or covered over with planks, the surface of which shall be flush with the rails of the said railway, and should the Corporation at any time deem it necessary that the surface of said planks be maintained one-half inch higher than the rails, the same shall be so maintained on notice served by the Corporation, and shall be constructed or repaired at the order and subject to the approval of said Council.

13. The Company shall provide bridges, culverts and waterways for the free passage of the waters of all ditches, drains or watercourses that now discharge or that may hereafter require to discharge their water over the course of the said railway and shall alter, extend, enlarge, improve or renew the said bridges, culverts and waterways as directed by the Township Engineer and approved by the Council, and the said Company shall contribute from time to time and as each occasion may arise, their proper proportion of all levies or assessments for the cost of the



the repair or construction of any drainage work under *The Ditches and Water-courses Act* and *The Municipal Drainage Act* and affecting the lands occupied by the tracks of the Company.

14. During the operation of constructing the said railway and laying the rails, and whenever repairing the same thereafter, a free passage for carriages and vehicles shall be kept open and unobstructed and immediately after the operation of constructing or repairing, as the case may be, any material removed or dug up in the operation as aforesaid shall be replaced in as good and substantial manner as before such removal, and that portion of the surface of the graded or travelled part of the highway occupied or used by the Company, shall be kept and maintained flush with the rails, and all surplus material shall be removed or disposed of as shall be directed by the Council, and no part of the graded, metalled or travelled portion of the highway shall be dug up or disturbed for a greater period than thirty days.

15. The said railway must be laid down and maintained subject to the rights of the Corporation to dig up the highways traversed by the said railway, either for the purpose of repairing said highways, altering the grades thereof, constructing or repairing of drains or culverts, laying down or repairing gas, oil or water pipes, and for any other purposes for the time being within the powers of the Corporation, and whenever the public or private convenience may require, and in case any such works or repairs necessitate the temporary removal of any part of the railway track or any other portion of the works of the Company, the Corporation, its servants, agents and workmen under the supervision of an officer of the Company may, at the expense of the Corporation remove such part of the track or other works of the Company without incurring any liability whatever to the Company therefor, but the Corporation shall give the said Company twenty-four hours' notice of their intention to do such work, and the Company shall, at the expiration of the twenty-four hours, provide an officer to superintend the work, and such notice may be served on any conductor or motorman in charge of any of the Company's cars and such service shall constitute a service on the Company.

Provided, however, that nothing herein contained shall be construed to relieve the Company of their duty to provide bridges and culverts or from their liability under the *The Municipal Drainage Act* and *The Ditches and Water-Courses Act* as provided in clause thirteen of this By-law.

16. The Company shall not at any time obstruct, divert, or in any way interfere with the free flow of the water in any ditch, drain or watercourse that is now or that may hereafter be constructed on, over, across or along the course of the said railway.

17. Whenever it shall be necessary to remove any snow or ice from the tracks, switches, turnouts or crossovers of the said railway, the same shall be removed by the said Company and evenly spread over the highway, and in such a manner as not to obstruct a free passage of sleighs or other vehicles along and across such highway, and if such snow or ice shall not be so spread within forty eight hours of receipt of notice in writing from the Clerk of the Township of Enniskillen to be given to any conductor or motorman or officer of the Company, it may then be removed or evenly spread by the Corporation, who shall be entitled to collect from the Company the cost of such work.

18. The said Company shall erect waiting rooms where necessary, the sites of which shall be located by said Council, having regard to the convenience of the public.

19. No part of said railway situate in the Township of Enniskillen shall be opened to the public or put in operation until inspected and approved by the Railway Inspector appointed under the provisions of *The Railway Act of Ontario*, and until the sanction of the Council has been

been previously obtained by means of a special resolution to that effect, and such sanction shall only be granted upon a certificate from the Township Engineer for the time, declaring the said railway to be in good condition and constructed conformably to the conditions prescribed by this By-law in that behalf.

20. The said Company shall place and continue on the said railway within the said township passenger cars with all the modern improvements for the convenience, safety, and comfort of passengers, including lighting and heating and with one of the type of fenders, specified by law, and no car shall be run without fenders and the said cars shall be propelled by electricity or any other motive power except steam which is or may become suitable for railway purposes, and may be approved of by the Council.

21. The company shall have the privilege of running their cars for the purpose of carrying passengers in the Township of Enniskillen daily except Sunday, and in the event of the said Company seeing fit to run cars for carrying milk, the said cars may be operated on Sunday for that purpose, and a reasonable compensation charged therefor, and in the event of the said Company having a contract or contracts for carrying His Majesty's mails, such car or cars as may be necessary for that purpose may be run on Sunday and there shall be two men in charge of each motor car, or train of one motor car and one trailer and an additional man in charge of each trailer in excess of one.

22. The Company shall run the passenger cars through this township over the said route at least four times each way each working day, and the said cars shall be run having regard to the convenience of the public.

23. The rate of speed of all cars shall be subject to the direction of the said Council from time to time, but shall not be restricted to a speed of less than ten miles an hour.

24. Every car or train shall be provided with a gong or bell to be approved of by the said Council, which gong or bell shall be rung when approaching every public crossing, and at a distance of at least twenty rods from every place where the railway crosses any highway and be kept ringing until the car has crossed such highway and shall be rung when necessary to give warning.

25. After sunset the cars shall be provided with colored signal lights for the front and rear and a bright headlight on every motor car.

26. All passenger cars shall stop to take on or let off passengers whenever requested to do so, provided that intending passengers shall signal the approaching car when the same is not less than twenty rods away.

27. The company shall have the number of each motor car plainly painted on a conspicuous place on the outside of each car.

28. The cars of the said company shall be entitled to the track and every vehicle upon the track of the company shall turn out when any car comes up, so as to leave the track unobstructed, and any driver of a vehicle refusing to turn out when warned or requested so to do by the driver of any car, shall be liable to a fine not exceeding (\$10.00) Ten dollars, exclusive of costs, to be imposed by any Justice of the Peace for the County of Lambton having jurisdiction in the said Township of Enniskillen, and in case of nonpayment to be collected by distress and sale of the goods of the offender, and in default of sufficient distress the offender may be imprisoned in the common gaol in the County of Lambton for a period not exceeding twenty-one days with or without hard labor.

Provided, however, that no part of this section shall apply to buildings, drilling rigs, derricks or other large and heavy structures being removed over, across or along the said railway, and in case of the latter the same shall be removed with all reasonable despatch so as not unnecessarily to hinder or delay the traffic of the Company.

29. The Company may charge and collect from any person entering any of their cars for a continuous journey of any distance on their railway a rate of fare not to exceed two cents per mile for each adult person or persons over twelve years of age, and one cent per mile for each person between the age of five and twelve years, but the said company shall not be bound to carry any such adult person any distance for less than five cents, nor any person between the age of five and twelve years for less than three cents. Children under five years of age accompanied by parent or other person having them in charge, and the members of the municipal council and clerk of the Township of Enniskillen from time to time shall be carried from any point on the company's railway to any other point free of charge.

30. Any conductor or other employee who shall knowingly collect from any passenger more than the fare prescribed by this by-law shall on conviction thereof before any Justice of the Peace pay a fine of not less than five dollars for each offence.

31. The said company may carry freight and baggage over their railway and charge a reasonable compensation for carrying the same.

32. Whenever by reason of snow or ice, the tracks of the said company shall be obstructed to such an extent as to interfere with the running of the cars, the said company is authorized to use a sufficient number of sleighs, wagons or other vehicles to answer the requirements of traffic until such time as said cars can again be used, and the said company may charge fares for carriage on the said sleighs, wagons or other vehicles as if the same were cars of the said company and being run on the track of the company.

33. The company shall not obstruct or impede any other railway company, who may acquire from the said council the right to construct and operate a railway on any of the highways mentioned in this by-law or any other highway in the said Township of Enniskillen, nor endeavor to prevent other railways from crossing said railway.

34. All rights that now are or that may hereafter be vested in the corporation, or in any railway, gas, oil, telephone, telegraph, waterworks, or other company or corporation in respect to the care or improvement of the highway, the construction of railways, sewers, culverts or drains and the laying of water, gas, oil or sewer pipes therein or the placing of poles or wires, are not in any way to be affected or impaired by any privilege that may be granted to the said company but the said railway must be laid down and maintained subject to the rights of the corporation and of other companies, firms, or individuals to take up, alter, repair or remove sewer, water, oil and gas pipes, and to place pipes, poles and wires for said purposes and subject to all other purposes within the province and privilege of the said corporation without claim for damage against the said Corporation or any of said companies, firms or individuals properly and lawfully exercising their said rights and the said corporation expressly reserves the right thereafter to lay down and operate, or permit to be laid down and operated railways, and gas, oil, water or sewer pipes and to place or permit the placing of pipes, poles and wires for said purposes, and to alter, improve and repair the said highways whenever the public or private convenience may require.

35. It is hereby expressly declared that the Corporation of the Township of Enniskillen shall not be held liable to the said company for any damage the said company may incur or sustain from the overflow of any ditch, drain, or water-course or from the breakage of any gas, oil, water or sewer pipe or for any delay, loss or damage sustained from the removal of any building, drilling rig, derrick or other structure over, across, or along the said railway, or for any delay that may be caused by the construction or repair of any drainage work, the laying of water, oil or gas pipes, the necessary repairing of the same or from any other delay or damage that may be caused by freshets, fire or otherwise or from repairs, changes or improvements in the highways.



36. The said company shall be liable for any loss or injury that any person may sustain by reason of any carelessness, neglect or misconduct of the company, their servants or agents in the construction, management or use of the railway, and the said company shall indemnify and hold the said Corporation of the Township of Enniskillen harmless for any damage that may be claimed by property holders or by any person or persons on account of the laying of their tracks or the use thereof, or the running of cars thereon, and shall indemnify the said corporation against all damages, actions, costs and expense they may incur or be put to by reason of any danger of injury from any electric or other system adopted, or from the use of steam as a motive power during the construction of the said railway. The remedies to the corporation herein provided are in addition to and not in substitution for any remedies or relief over or under any Statute.

37. Any person wishing to remove a building, drilling rig, derrick or other structure that will not safely pass under the wires and overhead construction of the said railway shall give the company twenty-four hours' notice of the time when, and place where he will require to pass over, across or along the said company's railway with such building, drilling rig, derrick or other structure; such notice may be served on any conductor, motorman or other person in charge of any of the company's cars, and the said company shall at their own expense promptly remove the wires and overhead construction necessary to permit a safe passage, and the party requiring such removal shall repay to the company the actual cost incurred by such removal should the crossing not be made at the time and place mentioned in the notice.

38. It is hereby reserved to the said Township Council to make such further rules, regulations, orders and By-laws in relation to the operation of the said railway within the Township of Enniskillen from time to time; provided always that the same may be reasonably necessary for the safety or accommodation of the public.

39. Should the Company fail to complete the railway over the route described in this By-law within the time limited therefor, or neglect or refuse after notice from said township council to keep in repair the part of the highway which, under the terms of this by-law, should be kept in repair by the said company, then the company shall in that case forfeit all privileges and rights which they may have acquired under this by-law or by the use of possession of said highway or any part thereof so far as relates to the section or sections of said railway not completed.

40. All the property of the said company used in connection with the construction and operation of the railway, and all objects covered by this by-law and appertaining thereto, and the earnings and income (if any) derived therefrom by the company shall be exempt from taxation for a period of ten years from the date of the final passing of this by-law.

Provided always that this exemption shall not apply to assessment for school rates and drainage works.

41. So long as the said company shall faithfully observe, perform and keep the terms, conditions and obligations in this by-law contained and on their part to be observed, performed and kept, the privileges granted to the said company under this by-law and any amendments thereto, shall continue.

42. This by-law and the powers and privileges hereby granted shall not take effect or be binding on the said township unless and until formally accepted by the said company within sixty days after the passing thereof by an agreement which shall legally bind the said company to perform, observe and comply with all the agreements, obligations, terms and conditions herein contained, and such agreement shall be first approved of by the solicitor for the township.

This by-law was finally passed this eleventh day of April, A.D. 1903.

GEO. PEARCE, Reeve.

GEO. V. WYANT, Clerk.

AGREEMENT

## AGREEMENT REFERRED TO IN SCHEDULE B.

Articles of agreement made this eleventh day of April in the year of our Lord, one thousand nine hundred and three, between the Corporation of the Township of Enniskillen (hereinafter called the Corporation) of the first part, and The Petrolea Rapid Railway Company (hereinafter called the company) of the Second Part.

Whereas by an Act of the Legislature of the Province of Ontario, passed on the seventeenth day of March. A. D. 1902, entitled "*An Act to Incorporate The Petrolea Rapid Railway Company*", the said Company is authorized and empowered to construct and operate a railway through the Township of Enniskillen subject to any agreement to be made between the Council of the said Township of Enniskillen and the Company and under and subject to any By-law of the Corporation.

And whereas the Council of the said Corporation on the Eleventh day of April, in the year of our Lord one thousand nine hundred and three passed a By-law numbered "9 of 1903," granting to the Company certain rights for the construction and maintenance and operation of an electric railway upon and along certain highways of the said Township of Enniskillen upon and subject to the terms, conditions, agreements, stipulations, regulations, obligations, provisions and things therein contained, a copy of which said By-law is hereunto annexed.

And whereas these presents are intended to give effect to said By-law and the same have been approved of by the Solicitor acting on behalf of the Corporation.

Now these presents witnesseth that in consideration of the granting of the rights and privileges which are by the said By-law granted by the Corporation to the Company, the Company do, for themselves, their successors and assigns, covenant, promise and agree to and with the Corporation and their successors in manner following, that is to say :

That the Company do hereby accept the said By-law, and that the Company, their successors and assigns, will in all things conform to, obey, perform, observe, fulfil and keep all and every the terms, conditions, agreements, stipulations, regulations, obligations, provisions and things in said By-law contained, upon, under and subject to which the said rights and privileges are by the said By-law granted to the Company, and will do and perform all acts, matters and things, which the said By-law provides are to be done by or on behalf of the Company, and will not do anything which the said By-law provides is not to be done by the Company.

And the Corporation do hereby ratify and confirm the said By-law and the rights and privileges hereby granted to the Company ; subject however, to all the terms, conditions, agreements, stipulations, regulations, obligations, provisions and things in the said By-law contained.

In witness whereof the Corporation have caused to be affixed the Corporate Seal, and the Reeve and Clerk have set their hands and the Company have caused to be affixed their Corporate Seal, and their President and Secretary have set their hands the day and year first above written.

Signed, sealed and delivered, in the presence of

GEO. PEARCE,  
Reeve.

[SEAL.]

GEO. V. WYANT,  
Clerk.

J. W. HAROLD,  
President.

[SEAL.]

S. A. ARMSTRONG,  
Secretary.

HELENA M. WHITE as to execution by  
J. W. HAROLD and S. A. ARMSTRONG.

CHAPTER

## CHAPTER 111.

## An Act respecting the St. Thomas Street Railway.

*Assented to 12th June, 1903,*

**W**HEREAS the Corporation of the City of St. Thomas Preamble.  
has by its petition represented that pursuant to the provisions of an Act passed in the 61st year of Her late Majesty's reign, chaptered 51, and intituled *An Act respecting the City of St. Thomas and the St. Thomas Street Railway Company*, the said corporation guaranteed the debentures of the St. Thomas Street Railway Company to the extent of \$50,000 payable in 30 years from the issue thereof for the purpose of enabling the said company to construct an electric railway upon the trolley system in the said city ; and that the said company executed a mortgage to the said corporation upon the said railway, its plant, equipment, assets, franchises and real and personal property as security and indemnity to the said corporation against the payment of the principal and interest on the bonds so guaranteed by the said corporation ; and that the St. Thomas Street Railway, its rights, powers and franchises have come into the possession and control of the City of St. Thomas by default on the part of the St. Thomas Street Railway Company in carrying out the terms of its agreement with the city and in paying the interest due upon the said bonds so guaranteed as aforesaid, and by default in carrying out the terms of the said mortgage ; and that it is necessary and expedient for the Corporation of the City of St. Thomas to place the said railway and its plant and equipment in a good state of repair as well as to improve and extend the same within the City of St. Thomas, and also to provide means for the operation and maintenance of the said railway by the corporation, and also to provide funds for the extension, construction, equipment, maintenance and operation of the said railway through adjoining municipalities as provided by chapter 53 of an Act passed in the 41st year of Her late Majesty's reign and intituled *An Act to incorporate the St. Thomas Street Railway Company* ; and that the said corporation has incurred liabilities for works and repairs necessary to be made to the road-bed and equipment of the said railway, on the said corporation taking possession of the said railway, to the extent of \$15,000, and that it is necessary and expedient that the said corporation should be empowered to issue bonds to the said amount of \$15,000 without said issue first receiving the assent of the electors entitled



entitled to vote on money by-laws; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

City authorized to provide funds for street railway purposes.

1. The Municipal Council of the City of St. Thomas is authorized and empowered subject to the provisions of *The Municipal Act* respecting money by-laws, to pass a by-law or by-laws from time to time as may be required with the assent of the electors entitled to vote on money by-laws, for such sum or sums as they may deem necessary for the purpose of providing funds for repairing, renewing, extending and improving the existing railway, its plant and equipment in the City of St. Thomas.

Commission to manage and operate.

2. The management and operation of the said railway shall be vested in a board of three commissioners, of whom the Mayor of the city for the time being shall be one and the other two shall be elected by the electors of the municipality, at the same time and in the same manner as members of the municipal council, except that at the first election of such commissioners one of them shall be elected for the term of one year and the other of them for the term of two years, and thereafter each elected commissioner shall hold office for two years, one of them retiring annually, and the majority of the said board shall form a quorum for the transaction of any business of the commission.

Qualification of commissioners.

3. Each of the said commissioners shall, before taking office and during the whole term of his office, have the same property qualification as is required for a member of the council.

Management to vest in board on its formation.

4 Upon the formation of the said board of commissioners, the management, operation and control of the said railway shall be vested in the said board, and the council thenceforth shall have no authority in respect to the management of the same. Provided however, for the current year the said council may appoint two commissioners who, with the Mayor, shall form the board until their successors are elected for the ensuing year as herein provided.

Provide.

Power to issue debentures for \$15,000 for improvements.

5. For the purpose of providing for the expenditure already incurred in placing the said railway, its plant and equipment in good condition and repair, and for payment of new rolling stock now contracted for and for providing for improvements immediately required in connection with the said railway, the Council of the City of St. Thomas is hereby authorized and empowered to pass a by-law in accordance with the provisions of *The Municipal Act* to raise by debentures a sum not exceeding

exceeding \$15,000, and it shall not be necessary that the said by-law shall be submitted to or shall receive the assent of the ratepayers of the said city, and all such debentures shall be made payable within 20 years at the farthest from the date of the issue thereof, with interest at a rate not exceeding 4 per cent. per annum.

6. The Corporation of the City of St. Thomas is declared to possess all the rights, powers and privileges conferred upon the St. Thomas Street Railway Company by the Act passed in the 41st year of the reign of Her late Majesty, Queen Victoria, Chapter 53, and is empowered to survey, construct, equip, maintain and operate a line of railway by means of electric or other motive power from a point in or near the City of St. Thomas through the Townships of Yarmouth and Southwold to a point in or near the Village of Port Stanley, and the said railway or any part thereof may be constructed and carried along and upon such public highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same, and subject to the restrictions and provisions therein and in *The Electric Railway Act* contained, and under and subject to any agreements hereafter to be made between the Council of the Corporation of the City of St. Thomas and the Councils of the other municipal corporations, and between the Council of the City of St. Thomas and the owners or lessees of any toll road, but in the case of such toll road then subject to agreement also between the Councils of the City of St. Thomas and the Corporation of the County of Elgin; and the Council of the City of St. Thomas may make and enter into any agreements with any other municipal corporation or with the owners or lessees of any toll road as to the terms of occupancy of any street, road or highway, subject to the provisions and conditions in *The Electric Railway Act* and in *The Municipal Act*, and any Act or Acts amending the same, and in this Act contained, and in case the Council of the City of St. Thomas cannot agree with the owners or lessees of such toll road as to the compensation to be paid to the owners or lessees thereof for the right to construct and operate the said railway along such toll road, the same shall, on the consent of the Corporation of the County of Elgin, be determined by arbitration, one arbitrator to be appointed by the Council of the City of St. Thomas and one by the owners or lessees of such toll road, and these two arbitrators to appoint a third and the decision of any two of them to be final and binding upon all parties to the arbitration; provided that none of the powers and privileges conferred on the said Corporation of the City of St. Thomas under this section shall be acted on until the construction of the railway therein mentioned has received the assent of the electors entitled to vote on money by-laws, in the manner provided by *The Municipal Act*.

Rights and powers of St. Thomas Street Railway Co. vested in city.

Rev. Stat. c. 209.

Rev. Stat. c. 228.

Proviso.

Rev. Stat., c. 228.

Issue of debentures for \$15,000 per mile authorized.

7. The Council of the City of St. Thomas is hereby authorized and empowered subject to the provisions of *The Municipal Act* respecting money by-laws, to pass by-laws with the assent of the electors entitled to vote on money by-laws providing for the issue of debentures for the purpose of raising money to provide for the construction, equipment, maintenance and operation of the said extension, but the whole amount of such debentures shall not exceed the sum of \$15,000 per mile of such extension, and such debentures shall be made payable in equal annual instalments within 30 years from the date of the issue thereof with interest at a rate not exceeding 4 per cent. per annum, and shall be equally and without preference of one over the other a first charge upon the said railway, its plant and equipments, as well as the tolls and revenues thereof; and it is hereby declared that the debentures issued under the authority of this section shall form no part of the general debt of the municipality within the meaning of *The Municipal Act*, and it shall not be necessary to recite the amount of such debentures in any by-law for borrowing money on the credit of the municipality.

Application of proceeds of debentures.

8. The money raised by the said debentures shall be expended in locating, constructing, equipping, operating and maintaining the said line of railway.

Power to sell lines.

Rev. Stat. c. 223.

9. The Corporation of the City of St. Thomas shall by by-law to be passed by the Council thereof with the assent of the electors as provided by *The Municipal Act* have power to sell and dispose of the whole of the said railway system and the franchises thereof, both within and without the City of St. Thomas or any part or parts thereof, and in such case the purchaser or purchasers thereof shall have, enjoy and possess all the rights, powers and privileges by this Act conferred upon the Corporation of the City of St. Thomas and conferred upon electric railway companies under *The Electric Railway Act*, and shall have the right to operate the said railway subject to any agreement made or to be made with the councils of the municipalities through which the railway passes, and subject to the provisions of any by-law or by-laws of such municipalities affecting the same.

Rev. Stat. c. 209.

Issue of bonds by purchasing company.

10. In case of the sale of the whole of the said railway system or of the said extension to Port Stanley before debentures are issued by the said corporation for the construction of such extension, then the company purchasing the said extension or the right and franchises to construct the same shall have power and authority and are hereby authorized to issue bonds of the said company to the extent of \$15,000 per mile of such extension, payable at the times, in the manner and at the rate of interest hereinbefore provided.



11. The following clauses of *The Electric Railway Act*, that is to say, clauses 9 to 14 inclusive, clauses 18 and 19, and clauses 27 to 42 inclusive, and all amendments thereof, shall be incorporated with and be deemed to be part of this Act and shall apply to the Corporation of the City of St. Thomas and to the extension of the said railway to be constructed by the said corporation and to any company which may acquire the rights, powers and franchises of the said railway and the right to construct the said extension except only so far as they may be inconsistent with the express enactments hereof; and the Corporation of the City of St. Thomas shall have and possess the same rights, powers and franchises under the above mentioned clauses of *The Electric Railway Act* as if such corporation were a company within the meaning of said Act and specially named therein.

Application of certain provisions of Rev. Stat. c. 209.

Rev. Stat. c. 209.

12. The said Corporation of the City of St. Thomas shall have power by by-law to be passed with the assent of the electors as provided by *The Municipal Act* to enter into any agreement with any electric or radial railway company for the sale or leasing or hiring of the whole or any portion of the said railway already constructed or herein authorized to be constructed or for the use thereof or for the sale, leasing or hiring of any motors, carriages or cars or any of them or any part thereof or for running arrangements with any such railway or touching any service to be rendered by the said municipal corporation to such electric or radial railway company, or by such electric or radial railway company to the said municipal corporation, and the compensation therefor; and every such agreement shall be valid and binding according to the terms and tenor thereof and the company purchasing, leasing or entering into such agreement for using the said railway may and are hereby authorized to work the said railway in the same manner as if incorporated with their own line but subject to the provisions of any by-law or by-laws of the said municipalities within which the railway is situate, which may from time to time be in force.

Agreements for transfer of lines to company.

13. The authority and power conferred upon the said Corporation of the City of St. Thomas by this Act to enter into agreements with any other railway company for connections, running arrangements, sale, lease, or hiring the said railway, shall be subject to such terms, conditions and regulations as may be provided and enacted by any general or special Act or Acts which may at the time such agreement is entered into be in force, and to such terms, conditions and regulations general or special as the Lieutenant-Governor in Council or any Special Committee of the Executive Council of Ontario appointed for that purpose may from time to time order.

Powers as to agreements with other companies to be subject to regulations.

## CHAPTER 112.

An Act respecting the Sandwich, Windsor and Amherstburg Railway and the City Railway Company of Windsor, Limited.

*Assented to 22nd May, 1903.*

Preamble.

Rev. Stat. c.  
208.

Rev. Stat.  
209.

WHEREAS the Sandwich, Windsor and Amherstburg Railway, (hereinafter called the Sandwich Company) was incorporated under an Act of the Legislative Assembly of the Province of Ontario and amending Acts as more particularly set forth in the Acts of the said Legislative Assembly, being chapter 94 of the Acts passed in the second year of His Majesty's reign; and whereas the City Railway Company of Windsor, Limited, (hereinafter called the City Company) is a company incorporated under the provisions of *The Street Railway Act*; and whereas the said two companies are operated as one system and under one management; and whereas the provisions of *The Electric Railway Act* are not applicable to the Sandwich Company, which is the principal company of the said system, the City Company being subsidiary thereto; and whereas the said two companies have petitioned for an Act empowering any municipality through any part of which its railway passes to exempt the Sandwich Company and its property from municipal assessments or taxation, other than school rates, or to agree to a certain sum per annum or otherwise in lieu of all or any municipal rates or assessments, other than school rates, as provided by section 77 of *The Electric Railway Act* and to confirm the agreement entered into between the said two companies and the Corporation of the City of Windsor bearing date the 28th day of July 1902; and whereas it is expedient to grant the prayer of said petitioners;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

Municipalities may exempt from taxation.

1. The Corporation of any Municipality through any part of which the railway of the Sandwich Company passes or in which it is situated, by by-law specially passed for that purpose, may exempt the Sandwich Company and its property within such municipality either in whole or in part from municipal assessments or taxation, other than school rates, or may agree to a certain sum per annum or otherwise, in gross by way of commutation or composition, for payment or in lieu of all or any municipal rates or assessments, other than school rates, to be imposed by such municipal corporation, and for such term of years, as such municipal corporation may deem

deem expedient, not exceeding twenty-one years; and no such by-law shall be repealed unless in conformity with the conditions contained therein.

2. The said agreement between the Sandwich Company, the City Company and the Corporation of the City of Windsor bearing date the 28th day of July 1902 and set forth in Schedule A to this Act is hereby declared to be valid and legal and to be binding upon the parties thereto.

Agreement  
declared legal  
and valid.

### SCHEDULE A.

This Agreement made this 28th day of July, A. D. 1902, between the Corporation of the City of Windsor, hereinafter called the "Corporation," of the first part, and the Sandwich, Windsor and Amherstburg Railway, hereinafter called the "Sandwich Company," and the City Railway Company of Windsor, Limited, hereinafter called the "City Company," of the second part.

WHEREAS the parties hereto of the second part have acquired certain rights and franchises from the City of Windsor under the terms of two certain agreements bearing date the seventeenth day of April, 1893, and the fourth day of July, 1893 respectively and made and entered into in respect of the firstly mentioned agreement between the Corporation the Sandwich Company and the Windsor Electric Street Railway Company and with respect to the secondly mentioned agreement between the Corporation the Sandwich Company and the Windsor Electric Street Railway Company and the City Company.

And whereas such rights and franchises by the terms of the firstly mentioned agreement expire on the 31st day of December, 1912.

And whereas the Sandwich Company intends to commence and complete an extension of its line of railway from its present terminus in the Township of Sandwich West to the Town of Amherstburg and in order thereto has requested an extension of its present franchises and agreements until and including the 31st day of December, 1922.

And whereas the municipal council of the corporation considers that the extension of the said line to the Town of Amherstburg will benefit the inhabitants of the City of Windsor and deem it advisable to grant such extension of franchises upon the terms hereinafter set forth.

Now therefore this Agreement witnesseth as follows :

1. Instead of the period of twenty years from and including the year 1893 being the time within which the said two companies the parties hereto of the second part shall exercise the rights, franchises and permissions to construct, alter, equip, maintain and operate an electric railway and an electric street railway within the City of Windsor and upon and along the highways of the said city mentioned in the said two agreements such period shall be extended for a further period of ten years up to and including the 31st day of December, 1922.

2. The parties hereto of the second part agree to give up and abandon and do hereby give up and abandon to the corporation the exclusive right to construct and operate electric street railways and electric railways within the limits mentioned in paragraphs four and six of said firstly mentioned agreement. Provided, however, that the said parties of the second part or either of them shall have the first right to construct an extension of its street railway system within said corporation and upon such of the highways thereof as the council of the municipality considers the operating of a street railway would be of advantage to

the



the residents of the locality in which such streets are located or to the public generally, which said extensions shall be constructed and operated upon such terms and conditions as are contained in said two herebefore recited agreements and in this agreement and as are applicable to the lines of railway which were constructed or were authorized to be constructed thereunder; the said right shall be exercised within three months from the time that the corporation notifies the parties of the second part in writing that another company has made an application for the use of the streets of the City of Windsor or some of them upon which to operate a street railway and calling upon the said parties of the second part to build said railway, and in the event of their refusing to construct the same within six months thereafter then the said corporation may grant the right to construct and operate a railway upon such streets or highways to another company.

3. Notwithstanding anything contained in the preceding paragraph hereof, it is understood and agreed that the corporation may grant permission to any suburban line to construct and operate lines of railway on any street not in use by the parties of the second part or either of them.

4. It is nevertheless agreed that no right shall be granted to either an electric company or to an electric street railway company to construct its line of railway along the same streets upon which the line of railway of the parties of the second part are constructed but the parties of the second part agree to allow any line to cross their or either of their lines of railway at such point and upon such terms as the municipal council of the corporation may see fit. Provided however, that the whole costs of the crossings shall be borne by such line and the operation of the said two Companies' lines of railway shall not be unreasonably interfered with.

5. In the event of any suburban electric railway company desiring to enter the city over the lines of either of the parties of the second part, it is agreed that such suburban railway shall have such privilege subject to such terms and conditions as to running powers, rentals, and other matters as may be reasonable or as are usual in the case of a suburban line running over the lines of a city company and as may be agreed upon or as may be determined by arbitration and the parties of the second part agree that they will execute with such suburban electric railway company an arbitration deed it being understood that the parties hereto of the second part shall appoint one arbitrator, that the said suburban electric railway company shall appoint one arbitrator, and that the said two arbitrators shall appoint a third, but in the event of their failing to agree then upon application to the Senior Judge of the County of Essex, the said arbitration, arbitration proceedings, and the submission to arbitration to be in such form and to include such provisions as to procedure as may be settled by the solicitor of the corporation, due regard being had to the provisions of *The Arbitration Act*.

6. The parties of the second part shall upon a grade being established by the city engineer and upon being notified by the proper authorities of the corporation, within a reasonable time and as promptly as possible, make its track conform to the level of such grade, and when an unpaved street is paved, without delay, upon being notified as aforesaid, the parties of the second part shall conform the grade of their tracks to the grade of such pavement.

7. The parties of the second part shall hereafter use only grooved girder rails on paved streets of not less than 85 pounds weight, and when any unpaved street or part thereof is being paved, shall substitute grooved girder rails of said weight for any other kinds of rails previously in use. This clause is not to apply to the present change of tracks on London Street from Bruce Avenue to Ouellette Avenue upon which portion of said highway it is agreed that Shanghai T. Rails shall be laid and maintained to replace the present rails, provided however, these may, at the option of the Company, be replaced by girder rails under the preceding portion of this clause.

8. Clause five in said firstly mentioned agreement of date the 17th day of April, 1893, and all clauses in said two hereinbefore recited agreements referring to the payment of money or taxes for franchise privileges to the Corporation shall upon the extension of the line as aforesaid from a point in the Township of Sandwich West being the terminus of the present road to the Town of Amherstburg being completed and in operation be deemed to be cancelled and of no effect, except in respect to the payments which have been made thereunder or which should have been made thereunder and after the extension and completion of the line of railway as aforesaid the following clause shall be read as a part of said agreements in substitution for said clause five and of all clauses relating to the payment of money or taxes as aforesaid, namely, the parties of the second part their successors and assigns shall on and after the 15th day of December immediately following the completion of said extension and on the 15th day of December, in each year thereafter up to and including the 15th day of December 1912 pay to the Corporation the annual or yearly sum of five hundred dollars (\$500.00) and on the 15th day of December, 1913 in each year thereafter up to and including the year 1917 pay the annual or yearly sum of seven hundred and fifty dollars (\$750.00) and on the 15th day of December, 1918 and every year thereafter up to and including the 15th day of December, 1922 pay the annual or yearly sum of one thousand dollars (\$1,000.00) which said payments shall be in lieu of all taxes or rates other than school rates upon the property hereinafter exempted from the payment of taxes.

9. The tracks, rights-of-way, poles, wires, rolling stock, and all superstructures and substructures and all the property of the said parties of the second part not exempted by law from taxes shall, except the real estate not hereinbefore mentioned, be exempt from all taxes other than school rates until and including the 31st day of December, 1922.

10. This agreement shall be read as a part of the said two agreements hereinbefore mentioned, all the terms of which shall be still binding upon the parties as well for the extended period as for the original term during which said agreements are in force, except where inconsistent with the terms of this agreement when the terms of this agreement shall prevail.

11. This agreement is only to be binding upon the parties hereto in the event of the Sandwich Company extending its line of railway to the Town of Amherstburg on or before the 17th day of March, 1904, and until the said Sandwich Company shall complete the extension of its line to Amherstburg as aforesaid and place the same in operation the terms of the said two hereinbefore recited agreements shall be in full force and effect.

12. In order that the terms of this agreement may be made certain and binding upon the parties hereto it is hereby agreed on the part of the Corporation that it will assist the parties of the second part in obtaining legislation to validate and confirm this agreement, the said legislation to be procured at the expense of the said two Companies, the parties hereto of the second part.

In Witness whereof the seals of the Corporation and of the said two Companies have been affixed and the proper officers have set their hands.

Sgd. THE CORPORATION OF THE

CITY OF WINDSOR,

By J. F. SMYTH, Mayor,

STEPHEN LUSTED, Clerk (Seal.)

Sgd. THE SANDWICH, WINDSOR AND

AMHERSTBURGH RAILWAY,

By J. C. HUTCHINS, Vice-President.

Attest. A. E. PETERS, Assistant Secretary. (Seal.)

Sgd. THE CITY RAILWAY

COMPANY OF WINDSOR,

By J. C. HUTCHINS, Vice-President.

Attest. A. E. PETERS, Assistant-Secretary. (Seal.)

CHAPTER

## CHAPTER 113.

## An Act to incorporate The Sarnia, Petrolia and St. Thomas Railway Company.

*Assented to 12th June, 1903.*

## Preamble.

WHEREAS Jacob Lewis Englehart of the Town of Petrolia in the County of Lambton in the Province of Ontario, Oil Operator; William English of the same place, Loan Company Manager; George Glen Moncrieff of the same place, Barrister; David Milne of the Town of Sarnia in said County, Merchant; and Frederick Forsyth Pardee of the said Town of Sarnia, Barrister, have by their petition prayed for an Act of Incorporation under the name of "The Sarnia, Petrolia and St. Thomas Railway Company" for the purpose of constructing, maintaining and operating a steam railway from a point at or near the Town of Sarnia in the County of Lambton through the Townships of Sarnia, Moore and Enniskillen to the Town of Petrolia in the said County of Lambton, and thence in a southeasterly direction through the Township of Brooke in the said County of Lambton, and through the Townships of Metcalfe, Ekfrid, Caradoc, Deleware, and Westminster in the County of Middlesex, and through the Townships of Southwold and Yarmouth to a point in or near the City of St. Thomas in the County of Elgin, with power to construct wharves, docks, telegraph and telephone lines, and to own, lease or otherwise acquire and operate ferry boats and with power to the said Company to amalgamate or make running or other arrangements with other roads; and whereas by reason of unusual cost of right of way and the proposed double tracking of the said line the construction thereof is unusually expensive and special bonding powers should be granted to the said railway; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

## Incorporation.

1. Jacob Lewis Englehart, William English, George Glen Moncrieff, David Milne and Frederick Forsyth Pardee, and such other persons and corporations as shall hereafter become shareholders in the said company, are hereby constituted a body corporate and politic under the name of "The Sarnia, Petrolia and St. Thomas Railway Company," hereinafter called "the Company."



2. The said company is hereby authorized and empowered to survey, lay out and construct, complete, equip, maintain and operate a steam railway, with double or single iron or steel tracks, from a point at or near the Town of Sarnia in the County of Lambton, through the Townships of Sarnia, Moore, and Enniskillen to the Town of Petrolia in the said County of Lambton, and thence in a south-easterly direction through the Township of Brooke in the said County of Lambton, and through the Townships of Metcalfe, Ekfrid, Caradoc, Deleware and Westminster in the County of Middlesex, and through the Townships of Southwold and Yarmouth to a point in or near the City of St. Thomas, in the County of Elgin.

Location of  
line.

3. The gauge of the said railway shall be four feet eight and one-half inches.

4. The said Jacob Lewis Englehart, William English, George Glen Moncrieff, David Milne, and Frederick Forsyth Pardee, with power to add to their number, shall be and are hereby constituted a board of provisional directors of the said company, of whom a majority shall be a quorum, and shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders.

Provisional  
directors.

5. The said board of provisional directors shall have power forthwith to open stock books and procure subscriptions of stock for the undertaking, and to allot the stock and to receive payments on account of stock subscribed, and to make calls upon subscribers in respect to their stock, and to sue for and recover the same; and to cause plans and surveys to be made, and to receive for the company any grant, loan, bonus, or gift made to it, or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, and with all such other powers as under *The Railway Act of Ontario*, are vested in ordinary directors. The said provisional directors, or a majority of them, or the board of directors to be elected as hereinafter mentioned, may, in their discretion, exclude any one from subscribing for stock who, in their judgment would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act, and if at any time a portion or more than the whole stock shall have been subscribed, the said provisional directors, or board of directors, shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers if, in their judgment, such exclusion will best secure the building of the said railway; and all meetings of the provisional board of directors shall be held at the Town of Sarnia in the County of

Powers of  
provisional  
directors.

Rev. Stat.  
c. 207.

of Lambton, or at such other place as may best suit the interest of the said company.

Conveyances  
of land to  
company.

6. Conveyances of lands to the said company for the purpose of and powers given by this Act, made in the form set forth in Schedule A hereunder written, or to the like effect, shall be sufficient conveyance to the said company, their successors and assigns, of the estate or interest therein mentioned and sufficient bar of dower, respectively, of all persons executing the same; and such conveyances shall be registered in the same manner and upon such proof of execution as is required under the registry laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

Subscription  
for stock when  
binding.

7. No subscription for stock in the capital of the company shall be binding on the said company unless it shall be approved by resolution of the directors, nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription.

Aid to rail-  
way.

8. The said company may receive from any government, or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway by way of gift, bonus or loan of money or debentures or other securities for money, or by way of guarantee, upon such terms and conditions as may be agreed upon.

Capital stock.

Rev. Stat., c.  
207.

9. The capital stock of the company hereby incorporated shall be \$1,000,000 (with power to increase the same in the manner provided by *The Railway Act of Ontario*), to be divided into 10,000 shares of \$100 each, and shall be raised by the persons and corporations who may become shareholders in the company, and the money so raised shall be applied, in the first place, to the payment of all fees, expenses and disbursements of and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and the remainder of said money shall be applied to the making, equipping, completing and maintaining of the said railway, and to the other purposes of this Act.

First election  
of directors.

10. When and so soon as shares to the amount of \$100,000 of capital stock in the said company shall have been subscribed and ten per centum paid thereon into some chartered bank of the Dominion having an office in the Province of Ontario, to the credit of the company, and which shall on no account be withdrawn therefrom unless for the services of the company, the said provisional directors, or a majority of them, shall call a general meeting of the shareholders for the purpose

pose of electing directors of the said company, giving at least four weeks' notice of such meeting by advertisement in *The Ontario Gazette* and in at least one newspaper published in the said town of Sarnia of the time, place and purpose of the said meeting,

**11.** At such general meeting the shareholders present either in person or by proxy, who shall at the opening of such meeting have paid up ten per centum on the stock subscribed by them, shall elect seven persons to be directors of the said company in manner and qualified as hereinafter mentioned, who shall constitute a board of directors and shall hold office until the next general annual meeting, and a majority of the directors shall form a quorum of the board, and may pass such rules, regulations and by-laws as may be deemed expedient and are not inconsistent with this Act and *The Railway Act of Ontario*; and the said board may employ and pay one of their number as managing director.

Number of directors and quorum.

Rev. Stat. c. 207.

**12.** No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least ten shares of stock in the said company, and unless he has paid up all calls thereon.

Qualification of directors.

**13.** The company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the said railway is to pass, together with the map or plan thereof, and of their course and direction, and of the lands intended to be passed over and taken therefor so far as then ascertained, and also the book of reference for the railway, and to deposit the same, as required by the clauses of *The Railway Act of Ontario* and the amendments thereto with respect to plans and surveys, by sections or portions less than the length of the whole railway authorized, of such length as the company may from time to time see fit, so that no one of such sections or portions shall be less than ten miles in length; and upon such deposit as aforesaid of the map or plan and book of reference of any and each of such sections or portions of the said railway, all and every of the clauses of the said Railway Act and the amendments thereof applied to, included in or incorporated with this Act shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof, and of their whole course and direction, and of the lands intended to be passed over and taken, and the book of reference of the whole of said railways had been taken, made and examined, certified and deposited according to the said clauses of the said Railway Act and the amendments thereof with respect to plans and surveys.

Power to construct line in sections.

Rev. Stat. c. 207.



Rights of  
aliens.

14. Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the said company, and all such shareholders, whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible for office as directors in the said company.

Calls on stock.

15. The directors may from time to time, make calls as they shall think fit, provided that no call shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days' notice shall be given of each call, as hereinafter provided in section 17 of this Act.

Directors  
empowered to  
pay in stock.

16. The directors may enter into a contract or contracts with any individual, corporation or association of individuals for the construction or equipment of the railway or any part thereof including or excluding the purchase of right of way and may pay therefor either in whole or in part, either in cash or bonds, or in paid up stock and may pay or agree to pay in paid up stock or in bonds of the said company such sums as they may deem expedient to engineers or for the right of way or material, plant or rolling stock and also for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors and furthering the undertaking or for the purchase of right of way, material, plant or rolling stock whether such promoters or other persons be provisional or elected directors or not; provided that no such contract shall be of any force or validity unless first authorized by resolution passed by the votes of the shareholders in person or by proxy, representing two-thirds in value of the subscribed capital stock and on which no call is in default and unpaid at a general meeting specially called for that purpose.

Proviso.

Head office,  
general annual  
meeting.

17. The head office of said company shall be at the said Town of Sarnia, and the general annual meeting of the shareholders of the said company shall be held in such place in the said Town of Sarnia, on such days and at such hours as may be directed by the by-laws of the company; and public notice thereof shall be given at least four weeks previously in *The Ontario Gazette*, and once a week in one newspaper published in the said Town of Sarnia during the four weeks immediately preceding the week in which such meeting is to take place.

Special general  
meetings.

18. Special general meetings of the shareholders of the said company may be held at such places and at such times and in such manner and for such purposes as may be provided by the by-laws of the said company, upon such notice as is provided in the last preceding section.

19. The directors of the company shall have power to issue bonds of the company for the purpose of raising money for prosecuting the said undertaking, but the whole amount of the issue of such bonds shall not exceed the sum of \$20,000 for each mile of single track and \$5,000 per mile for equipment and \$10,000 per mile for second track of said railway; and the provisions of sub-sections 19, 20, 21, 22 and 23 of section 9 of *The Railway Act of Ontario* shall apply to all such bonds and the issue thereof; and such bonds shall be issued subject and according to, and in conformity with the provisions of the said sub sections.

Issue of  
bonds.

Rev. Stat.  
c. 207.

20. All such bonds, debentures and other securities and coupons and interest warrants thereon, respectively, may be made payable to bearer and transferable by delivery, and any holder of any such securities so made payable to bearer, may sue at law thereon in his own name.

Bonds, etc.,  
how payable.

Transfer  
of bonds.

21. The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums of not less than \$100, and any such promissory note or bill of exchange made, accepted or endorsed by the president or vice-president of the company, and countersigned by the secretary of the said company, and under the authority of a quorum of the directors, shall be binding on the said company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president, vice-president or the secretary be individually responsible for the same unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted; provided, however, that nothing in this section shall be construed to authorize the said company to issue any promissory note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

Negotiable  
instruments.

Proviso.

22. The said company may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they may be enabled, under the powers of this Act, to issue for the construction of the said railway.

Mortgaging  
or pledging  
bonds.

23. It shall be lawful for the directors of the company to enter into any agreement or agreements with any other company or companies, if lawfully authorized to enter into such agreements, or with any person or persons, for leasing, hiring, or use of any locomotives, carriages, rolling stock and other moveable property from such companies or persons for such time or times and on such terms as may be agreed upon; and also to enter into agreements with any railway company

Agreements  
with other  
companies for  
leasing or  
hiring rolling  
stock.

or

or companies, if so lawfully authorized, for the use by one or more of such contracting companies of the locomotives, carriages, rolling stock and other moveable property of the other or others of them on such terms as to compensation or otherwise as may be agreed on.

Telegraph  
and telephone  
lines.

24. The said company may also construct an electric telegraph line and a telephone line in connection with their railway, and, for the purpose of constructing, working, and protecting the said telegraph and telephone lines, the powers conferred upon telegraph companies by *The Act Respecting Telegraph Companies* being chapter 192 of the Revised Statutes of Ontario 1897, are hereby conferred upon the said company; provided, that no poles shall be erected in the construction of either of the said lines in or through any city, town or incorporated village without the consent of the council of such city, town or village being first obtained by the said company; provided also, that such telegraph and telephone lines shall be used exclusively for the purposes of the business of the said company.

Proviso.

Aid from  
Municipal-  
ities.

25. Any municipality, or any portion of a township municipality, which may be interested in securing the construction of the said railway, or through any part of which, or near which the railway or works of the said company shall pass or be situate, may aid the said company by giving money or debentures, by way of bonus, gift or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained; provided always that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality or portion of the municipality (as the case may be) in accordance with and as provided by law in respect to granting aid by way of bonuses to railways.

Proviso.

Submitting  
bonus by-  
laws.

26. Such by-law shall be submitted by the municipal council, to the vote of the ratepayers, in manner following, namely,—

(1). The proper petition shall first be presented to the council, expressing the desire to aid the railway, and stating in what way and for what amount; and the council shall within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same to the approval of the qualified voters.

Rev. Stat.  
c. 223.

(2). In the case of a county municipality, the petition shall be that of a majority of the members of the county council or of fifty resident freeholders, in each of the minor municipalities of the county, who are qualified voters under *The Municipal Act* and the amendments thereto.



(3). In the case of other municipalities, the petition shall be that of a majority of the council thereof, or of fifty resident freeholders, being duly qualified voters under *The Municipal Act*, and amendments thereto as aforesaid.

Rev. Stat.  
c. 223.

(4) In the case of a section of a township municipality, the petition is to be presented to the council, defining the section by metes and bounds, or lots and concessions, and shall be that of a majority of the council of such township municipality, or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

**27.** Such by-law shall in each instance provide :

By-law, what  
to contain.

(1) For raising the amount petitioned for in the municipality or portion of the township municipality (as the case may be) mentioned in the petition, by the issue of debentures of the county or minor municipality, respectively, and shall also provide for the delivery of the said debentures, or the application of the amount to be raised thereby, as may be expressed in the said by-law.

(2) For assessing and levying upon all rateable property lying within the municipality or portion of the township municipality defined in said by-law (as the case may be), an annual special rate, sufficient to include a sinking fund for the re-payment of the said debentures within twenty years with interest thereon, payable yearly or half-yearly, which debentures the respective municipal councils, wardens, mayors, reeves, and other officers thereof, are hereby authorized to execute and issue in such cases respectively.

**28.** In case of aid from a county municipality, fifty resident freeholders of the county may petition the county council against submitting the said by-law, upon the ground that certain minor municipalities or portions thereof, comprised in the said by-law, would be injuriously affected thereby, or upon any other ground ought not to be included therein, and upon deposit by the petitioners, with the treasurer of the county, of a sum sufficient to defray the expenses of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the judge of the county court, one being the registrar of the county or of the riding in which the county town is situate, and one being an engineer appointed by the Commissioner of Public Works for Ontario, who shall have power to confirm or amend the said by-law by excluding any minor municipality, or any section thereof, therefrom, and the decision of any two of them shall be final, and the by-law so confirmed or amended shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters, and in case the by-law is confirmed by the arbitrators the expense of the reference shall be borne by the petitioners against the

Petition  
against aid  
from county.

the same, but if amended, then by the railway company or the county as the arbitrators may order.

"Minor municipality," meaning of.

**29.** The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township or incorporated village situate in the county municipality.

Deposit to be made before by-law is submitted.

**30.** Before any such by-law is submitted the railway company shall, if required, deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting the said by-law.

Council to pass by-law if assented to by ratepayers.

**31.** In case the by-law submitted be approved of and carried, in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting the municipal council which submitted the same shall read the said by-law a third time and pass the same.

Issue of debentures.

**32.** Within one month after the passing of such by-law the said council and the mayor, warden, reeve or other officers thereof, shall issue or dispose of the debentures provided for by the by-law, and deliver the same, duly executed, to the trustees appointed, or to be appointed, under this Act.

Levying rate on portion of municipality.

**33.** In case any such loan, guarantee or bonus, be so granted by a portion of a township municipality, the rate to be levied for payment of the debentures issued therefor, and the interest thereon, shall be assessed and levied upon such portion only of such municipality.

Application of provisions of Rev. Stat. c. 223.

**34.** The provisions of *The Municipal Act* and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality, to the same extent as if the same had been passed by or for the whole municipality.

Councils may extend the time for commencement.

**35.** The councils for all corporations that may grant aid by way of bonus to the said company may, by resolution or by-law, extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid, from time to time; provided that no such extension shall be for a longer period than one year.

Councils may extend the time for completion.

**36.** It shall and may be lawful for the council of any municipality that may grant aid by way of bonus, to the said company, by resolution or by-law, to extend the time for the completion of the works (on the completion of which the said company would be entitled to such bonus) from time to time, provided that no such extension shall be for a longer period than one year at a time.

**37.** Any municipality, or portion of a township municipality, interested in the construction of the railway of the said company, may grant aid by way of bonus to the said company towards the construction of such railway, notwithstanding that such aid may increase the municipal taxation of such municipality, or portion thereof, beyond what is allowed by law ; provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes exclusive of school rates, than three cents in the dollar upon the value of the rateable property therein.

Extent of aid from municipalities.

Proviso.

**38.** It shall be lawful for the corporation of any municipality through any part of which the railway of the said company passes, or in which it is situate, by by-law especially passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise in gross, by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein.

By-laws granting exemption from taxation.

**39.** Any municipality through which the said railway may pass, or is situate, is empowered to grant, by way of gift to the said company, any lands belonging to such municipality, or over which it may have control, which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway ; and the said railway company shall have power to accept gifts of land from any government, or any person or body, corporate or politic, and shall have power to sell or otherwise dispose of the same for the benefit of the said company.

Gifts of lands.

**40.** Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall within six months after the passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario ; provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustee or other trustees; any of the

Issue of debentures.

Proviso.

said



said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council; and, in case any trustee dies or resigns his trust, or goes to live out of the Province of Ontario, or otherwise becomes incapable of acting, his trusteeship shall become vacant and a new trustee may be appointed by the Lieutenant-Governor in Council.

Trusts of  
proceeds of  
debentures

**41.** The said trustees shall receive the said debentures or bonds in trust, firstly, under the directions of the company but subject to the conditions of the by-laws in relation thereto as to time or manner, to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or amount realized from the sale in some chartered bank having an office in the Province of Ontario in the name of "The Sarnia, Petrolia and St. Thomas Railway Municipal Trust Account" and to pay the same out to the said company from time to time as the said company becomes entitled thereto, under the conditions of the by-law granting the said bonus and on the certificate of the chief engineer of the said railway for the time being, in the form set out in Schedule B hereto, or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payment or delivery of debentures, and such engineer shall not wrongfully grant any such certificate under a penalty of \$500, recoverable in any court of competent jurisdiction by any person who may sue therefor.

Fees to  
Trustees.

**42.** The trustees shall be entitled to their reasonable fees and charges from the said trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had agreed.

Power to  
purchase  
whole lots.

**43.** Whenever it shall be necessary for the purpose of procuring sufficient land for stations, or gravel pits, or for constructing, maintaining and using the said railway, and in case, by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use, and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and may sell or convey the same, or any part thereof, from time to time as they may deem expedient; but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

Rev. Stat.  
c. 207.

Acquiring  
material for  
construction.

**44.** When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway or any part thereof the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause an Ontario Land Surveyor to make a map and description of the property so required, and they shall

shall serve a copy thereof, with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award and the tender of compensation, shall have the same effect as in case of arbitration for the roadway; and all the provisions of *The Railway Act of Ontario*, and of this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into Court, the right to sell, the right to convey, and the parties from whom land may be taken, or who may sell, shall apply to the subject matter of this section, as to the obtaining materials as aforesaid; and such proceedings may be had by the said company either for the right to the fee simple in the land from which said materials shall be taken, or for the right to take materials for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Rev. Stat.  
c. 207.

45. (1.) When said gravel, stone, earth or sand, shall be taken, under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions of *The Railway Act of Ontario* and of this Act, except such as relate to filing plans and publications of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years or permanently, as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway.

Sidings to  
gravel pits.

Rev. Stat.  
c. 207.

(2) When estimating the damages for the taking of gravel, stone, earth or sand, subsection 9 of section 20 of *The Railway Act of Ontario* shall not apply.

Rev. Stat.  
c. 207.

46. The said company shall have full power and authority to purchase land for, and erect warehouses, elevators, docks, stations, work-shops and offices, and to sell and to convey such land as may be found superfluous for any such purpose; and the company shall have power to hold as part of the property of the said company, as many steam or other vessels as the directors of the company may deem requisite from time to time, to facilitate the carriage of passengers, freight and other traffic in connection with the railway.

Power to hold  
additional  
property.

47. The said company shall have the right, on and after the first day of November in each year, to enter into and upon any lands of His Majesty, or into and upon any lands of any corporation or persons whatsoever, lying along the route or line of said railway, and to erect and maintain snow fences thereon,

Power to erect  
snow fences.

on, subject to the payment of such damages (if any) as may be hereafter established in the manner provided by law in respect of such railway, to have been actually suffered; provided always that any such snow fences so erected, shall be removed on or before the first day of April next following.

Proviso.

48. The company is authorized to contract and agree with the Canadian Pacific Railway Company, the Grand Trunk Railway Company of Canada, the Michigan Central Railway Company, the Lake Erie and Detroit River Railway Company and any other railway company the lines of which are approached or crossed by the line or lines of the company, if lawfully authorized to enter into such arrangements, for amalgamation with any or either of them; provided that no such contract shall be of any force or validity unless first authorized by resolution passed by the votes of the shareholders in person or by proxy, representing two-thirds in value of the subscribed capital stock and on which no call is in default and unpaid at a general meeting especially called for that purpose.

Running  
arrangements  
with other  
companies.

49. The said company shall have power to agree for connections and make running arrangements with the Canadian Pacific Railway Company, the Grand Trunk Railway Company of Canada the Michigan Central Railway Company, the Lake Erie and Detroit River Railway Company and any other railway company the lines of which are approached or crossed by the line or lines of the company if lawfully empowered to enter into such agreements, upon terms to be first authorized by two-thirds in value of the shareholders at a special general meeting to be held for that purpose, and it shall also be lawful for the said company hereby incorporated to enter into any agreement with any or either of the said railway companies, if lawfully authorized to enter into such an agreement, for the sale or leasing or hiring of the whole or any portion of the railway herein authorized or the use thereof, or for the sale or leasing or hiring any locomotives, tenders, plant or rolling stock, or other property or of any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor, if the arrangements and agreements shall be so authorized by two-thirds in value of the shareholders voting in person or by proxy at a special general meeting to be called for that purpose, and every such agreement shall be valid and binding according to the terms and tenor thereof; and the company purchasing, leasing or entering into such an agreement for using the said railway, may and are hereby authorized to work the said railway, and in the same manner as if incorporated with its own line; but nothing in this or the preceding section shall be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.



**50.** The authority and power conferred on the Company by this Act to enter into agreements with any other railway company for connections, running arrangements, sale, lease, amalgamation or hiring of the said railway shall be subject to such terms, conditions and regulations as may be provided and enacted by any general or special Act or Acts which may at the time such agreement is entered into be in force, and to such terms, conditions and regulations, general or special, as the Lieutenant-Governor in Council or any Special Committee of the Executive Council of Ontario appointed for that purpose, may from time to time order.

Power to make connections to be subject to subsequent legislation.

**51.** Shares in the capital stock of the said company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company.

Transfer of shares.

**52.** The said company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges, and without any formal transfer, shall have the same lien for the amount thereof upon such goods or commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

Payment of back charges on goods.

**53.** The several clauses of the *Railway Act of Ontario*, and of every Act in amendment thereof shall be incorporated with, and be deemed to be part of this Act, and shall apply to the said company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein, shall be understood to include the clauses of the said *Railway Act* and of every Act in amendment thereof so incorporated with this Act.

Incorporation of provisions of *Rev. Stat.*, c. 207.

**54.** The railway shall be commenced within three years, and finally completed within five years after the passing of this Act.

Commencement and completion of line.

## SCHEDULE A.

(Section 6.)

Know all men by these presents that I (or we) (insert the name or names of the vendor or vendors) in consideration of \_\_\_\_\_ dollars paid to me (or us) by The Sarnia, Petrolia and St. Thomas Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (or we) (insert the name or names of any other party or parties) in consideration of \_\_\_\_\_ dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged,

do

do grant and release all that certain parcel (or those certain parcels, as the case may be) of land (describe the land) the same having been selected and laid out by the said company for the purposes of its railway, to hold with the appurtenances unto the said The Sarnia, Petrolia and St. Thomas Railway Company, their successors and assigns forever (*here insert any other clauses, covenants, and conditions required*), and I (or we) the wife (or wives) of the said do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal (or hands and seals) this day of , one thousand nine hundred and

Signed, sealed and delivered  
In presence of

[L.S.]

## SCHEDULE B.

(Section 41.)

### CHIEF ENGINEER'S CERTIFICATE.

The Sarnia, Petrolia and St. Thomas Railway Company's Office, No.  
A. D. 190 .

### ENGINEER'S DEPARTMENT.

Certificates to be attached to cheques drawn on the Sarnia, Petrolia and St. Thomas Railway Company Municipal Trust Account given under section 41, chapter 113 of the Acts of the Legislature of Ontario, passed in the third year of His Majesty's reign.

I, chief engineer of the Sarnia, Petrolia and St. Thomas Railway Company, do hereby certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the By-law No. of the township of (or under the agreement dated the day of A. D. 19 , between the corporation of and the said company) to entitle the said company to receive from the said trust the sum of (here set out the terms and conditions, if any, which have been fulfilled.)

## CHAPTER 114

## An Act respecting the Sarnia Street Railway Company.

*Assented to 12th June, 1903*

**W**HEREAS the Sarnia Street Railway Company was incorporated by an Act of the Ontario Legislature passed in the 37th year of the reign of Her late Majesty Queen Victoria, chaptered 61, and was by the said Act authorized and empowered to construct, maintain, complete and operate a double or single iron railway for the passage of cars, carriages or other vehicles adapted to the same, upon and along the streets and highways within the jurisdiction of the Corporation of the Town of Sarnia and the adjoining municipalities, subject to an agreement thereafter to be made between the said company and the council of the said town and of the adjoining municipalities; and whereas the Corporation of the Township of Sarnia is an adjoining municipality within the meaning of the said Act; and whereas under By-law Number 60½ C of the Corporation of the Township of Sarnia passed the 19th day of December, A.D. 1902, and a certain agreement made in pursuance thereof between the said company and the Corporation of the Township of Sarnia bearing date the 29th day of December, A.D. 1902, certain powers were conferred upon the said company respecting the construction and operation of their railway upon certain roads and highways in the said Township of Sarnia, and by the said by-law it was provided that the said company was to be at liberty to apply for an Act confirming the same; and whereas by petition the said company and the said Corporation of the Township of Sarnia have prayed that the said by-law and the said agreement may be confirmed; and whereas it is expedient to grant the prayer of the said petition;

Preamble.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said agreement between the said company and the Corporation of the Township of Sarnia and the said by-law Number 60½ C hereinbefore referred to, which said agreement and by-law are set out in Schedule A to this Act, are confirmed and declared to be valid and binding on the said corporation and upon all parties affected thereby, but notwithstanding

Agreement  
between  
company and  
township  
confirmed.



standing anything in the said agreement or by-law or in this Act contained it shall not be lawful for the Company to operate any car or cars on the Lords Day on the extensions authorized by the said by-law and this Act, and section 136 of *The Electric Railway Act* shall apply to the Company in so far as the operation of the extensions of the line of the said Company authorized by this Act and by the by-law and Agreement hereby confirmed is concerned and to any and all further extensions which may from time to time be permitted or authorized by the Municipal Council of the Township of Sarnia.

By-laws  
extending  
time for com-  
mencement  
and comple-  
tion.

2. It shall be lawful for the Municipal Council of the Township of Sarnia aforesaid by by-law to extend from time to time and as often as the same may appear to the said council to be advisable the times in the said By-law Number 60½ C and the agreement made in pursuance thereof specified for the commencement and completion of the construction of the said railway and to grant to the said company by by-law and agreement the right to construct, maintain and operate a street railway on such other streets and highways of the said township as the council may from time to time see fit, subject to the terms and conditions, so far as applicable thereto set out in the said By-law Number 60½ C.

#### SCHEDULE A.

Articles of agreement made this 29th day of December, A. D. 1902, between the Corporation of the Township of Sarnia, (hereinafter called the Corporation) of the first part, and the Sarnia Street Railway Company, Limited, (hereinafter called the Company) of the second part.

Whereas by an Act of the Legislature of the Province of Ontario passed on the twenty-fourth day of March, A. D. 1874, entitled, "*An Act to incorporate The Sarnia Street Railway Company*," it is amongst other things provided that the council of the said corporation (as well as the councils of other corporations adjoining the Town of Sarnia) and the company may make and enter into any agreements respecting the construction of the said railway and the location thereof and for the paving, macadamizing, repairing and grading of the streets or highways and the construction, opening of drains or sewers in said streets and highways and the particular streets and highways along which the said railway shall be laid, the pattern of the rail, the time and speed of running the cars, the time within which the works are to be commenced, the manner of proceeding with the same and the time for completion and generally for the safety and convenience of passengers the conduct of the agents and servants of the company and the non-obstructing or impeding of the ordinary traffic.

And whereas the council of the said corporation on the 19th day of December, A. D. 1902, passed a By-law Numbered 60½ C, granting to the company certain rights for the construction and maintenance and operation of a street railway upon and along certain highways of the said corporation upon and subject to the terms, conditions, agreements, stipulations, regulations, obligations, provisions and things therein contained, a copy of which said by-law is hereto annexed.

And

And whereas these presents are intended to give effect to said by-law and the same have been approved of by the township solicitor.

Now these presents witnesseth that in consideration of the granting of the rights and privileges which are by the said by-law granted by the corporation to the company, the company do, for themselves, their successors and assigns, covenant, promise and agree to and with the corporation and their successors in manner following, that is to say,—

That the company do hereby accept the said by-law and that the company, their successors and assigns, will in all things conform to, obey, perform, observe, fulfil and keep all and every the terms, conditions, agreements, stipulations, regulations, obligations, provisions and things in the said by-law contained, upon, under and subject to which the said rights and privileges are by the said by-law granted to the company, and will do and perform all acts, matters and things, which the said by-law provides are to be done by or on behalf of the company, and will not do anything which the said by-law provides is not to be done by the company.

And the corporation do hereby ratify and confirm the said by-law and the rights and privileges hereby granted to the company, subject however, to all the terms, conditions, agreements, stipulations, regulations, obligations, provisions and things in the said by-law contained.

In witness whereof the corporation has caused to be affixed its corporate seal and the reeve and township clerk have set their hands and the company has caused to be affixed its corporate seal and their president and secretary have set their hands the day and year first above written.

Signed, sealed and delivered  
in the presence of :

(Seal) Tp. of Sarnia.

(Seal) St. Ry. Co.

Sgd. GEORGE COLE,  
Reeve Tp. of Sarnia.  
MAGGIE LOWRIE,  
Clerk Tp. of Sarnia.  
JOHN D. BEATTY,  
Pres. Sarnia St. Ry. Co.  
H. W. MILLS,  
Sect. Sarnia St. Ry. Co.

#### BY-LAW No. 60½, C.

Respecting the Sarnia Street Railway Company.

Whereas the Legislature of the Province of Ontario did on the 24th day of March, A.D. 1874, pass an Act, Chapter 61, 37 Victoria, entitled *An Act to incorporate the Sarnia Street Railway Company*, by which the said company (hereinafter called the company) is authorized and empowered to construct, maintain, complete and operate a double or single iron railway, with the necessary side tracks, switches and turnouts for the passage of cars, carriages and other vehicles adapted to the same, upon and along such streets and highways within the jurisdiction of the corporation of the Town of Sarnia and of any of the adjoining municipalities as the company may be authorized to pass along, under and subject to any agreement thereafter to be made between the council of the said town or of said municipalities respectively, or any of them and the said company, in pursuance of said Act, and to take, transport and carry passengers and freight upon the same by the force or power of animals or such other motive power as the company may be authorized by the council of said town and municipalities respectively by By-law to use, and to construct and maintain all necessary work, buildings, appliances and conveyances connected therewith.

And

And whereas the corporation of the Township of Sarnia (hereinafter called the corporation) is a neighboring municipality of the Town of Sarnia aforesaid within the meaning of said Act.

And whereas the company desires to construct a surface electric street railway on the trolley system on the roads and highways hereinafter mentioned.

Be it therefore enacted by the municipal council of the corporation of the Township of Sarnia as follows:—

(1) That in so far as the corporation of the Township of Sarnia have power to grant the same, the consent, permission and authority of the corporation is hereby given and granted to the company to construct, complete and operate during the term of thirty years from the first day of January, 1903, a surface street railway with electricity on the trolley system as the motive power therefor, consisting of a single track, with the necessary side tracks, turnouts or switches, for the passage of cars, carriages or other vehicles adapted to the same, upon and along the following roads and highways in the Township of Sarnia, namely:—

(a) The road known as the Errol Road commencing at the eastern limit of Point Edward, thence along the said Errol Road to a point west of Lakeview Cemetery where the said Errol Road joins the highway known as Weesbeach sideroad, thence northerly along Weesbeach sideroad to a point at or near the shore of Lake Huron, or

(b) Along Weesbeach sideroad from Exmouth street to a point at or near the shore of Lake Huron.

(2) The construction of the said surface street railway over the roads and highways hereinbefore mentioned along which ever route the said street railway shall select shall be commenced on or before the first day of August, 1904, and shall be completed and running efficiently thereon by the first day of November, A.D. 1905.

(3) Such railway shall consist of a single track with all necessary switches, sidetracks and turnouts, laid down as required by law and shall be laid down in such position on such highway and in such manner as shall be approved of by the township council, but in no case except when crossing the highway shall the track be laid on the graded portion of the highway, or between the ditches except with the consent of the corporation expressed by resolution of the council, but shall be laid on the side of the road, and at such distance from the travelled portion thereof as shall be approved by the township council.

(4) The location of the line of railway in the said highways shall not be made until the plans thereof showing the position of the rails and other works on said highways shall have been submitted to and approved of by the township council.

(5) The gauge of the said railway shall be four feet eight and one-half inches.

(6) The rails to be used shall be a substantial T rail and shall be laid down in such a manner as shall least obstruct the passage of vehicles and carriages over the same.

(7) The tracks of the said railway and all works necessary for constructing and laying the same, shall be constructed in a substantial manner according to the best modern practice. During the operation of laying, removing and relaying the rails a free passage for carriages and vehicles over the streets and highways shall be kept open and not obstructed, and immediately after the rails shall have been laid or relaid, as the case may be, the material removed or dug up in laying or relaying as aforesaid, shall be either removed from or spread over the street or highway from which the same shall have been taken as shall be directed by the township council or such person as they may depute.

(8) Space between the rails of the said railway and the roadway where the same shall be constructed on the travelled portion of the roadway to



a distance of eighteen inches on both sides thereof shall be kept in a good state of repair by the company and where the said road shall be constructed on the highway, or where it shall cross the highway, it shall be constructed and maintained even with the grade of the highway and to the satisfaction of the said municipal council, and the said company shall also be bound to construct and keep in repair crossings of a character provided for by the said municipality, and which shall be planked between the rails and for one foot on each side thereof, which planks shall be kept one-half inch higher than the rails, and wherever farm crossings, bridges, culverts or waterways, including drains of all kinds, are found by the municipal council to be necessary for drainage or other purposes, the same shall be constructed and maintained by the said company in a manner to be approved of by the said municipal council, but in case of tile drains the owners of the adjoining lands shall pay the company such sum as it would have cost to have put in the drain across the railroad had such railroad not been there, and every owner of adjacent land whether as now or hereafter sub-divided, shall be entitled to a farm crossing over the company's road.

9. The cars upon the said railroad shall be of a modern type propelled by electricity, or with the consent of the said corporation expressed by by-law, by other motive power suitable for railway purposes, and all motive cars shall be provided with fenders of a modern and up-to-date type.

10. Suitable crossings of a character satisfactory to the council shall be constructed and kept in good repair by the company at all highways and farm crossings. All necessary poles shall be located next to the fence line of the said road and between the said railroad and the fence nearest the track, and the wires and overhead construction shall not be less than eighteen feet above the rails.

11. The fares to be charged by the said company shall not exceed a rate of five cents for each person to or from the town or point of commencement to the cemetery or from the beach to the cemetery and ten cents for each person to or from any point beyond the cemetery but all children under five years of age when accompanied by parent or other person having them in charge shall be carried free, but the company shall not be bound to carry any passenger any distance for less than five cents, except children as aforesaid, and between the hours of eleven o'clock in the evening and six o'clock in the morning the company shall have the right to charge double the said fare.

12. Whenever it shall become necessary to remove snow or ice from the track or tracks of the said company, the same shall be by the said company evenly spread over the highway so as to not obstruct the free passage of sleighs or other vehicles along the said highway, or removed by the said company as shall be directed by the proper officer of the said corporation.

13. Whenever by reason of snow or ice, the tracks of the said company shall be obstructed to such an extent as to interfere with the running of cars of the said company, the said company is authorized to use sufficient number of sleighs, waggons or other vehicles to answer the requirements of traffic until such time as the said cars can be again used, and the said company can charge fares for carriage on the said sleighs, wagons or other vehicles as if the same were cars of the said company and being run on the track of the said company.

14 The number of trips shall not be less than four each way daily, during the season in which the cars are being run by the company, unless prevented by unavoidable accident or obstruction caused by storms, and the said company shall operate their cars for at least ten weeks each year.

15. The said corporation shall have the right to fix the maximum rate of speed that the motor and cars of the railway or either of them shall run at on any portion of the railway within the corporation but so that the rate of speed so fixed shall not be less than ten miles per hour.

16. No cars shall be allowed to stop in front of an intersecting highway except to avoid collision or to prevent injury to persons on the highways or for other unavoidable reason.

17. After sunset the cars shall be provided with colored signal lights for front and rear.

18. The cars shall be entitled to the track and every vehicle upon the track of the company shall turn out when any car comes up so as to leave the track unobstructed, and any driver of a vehicle refusing to turn out when warned or requested so to do by the driver of any car, shall be liable to a fine not exceeding ten dollars (\$10.00) exclusive of costs to be imposed by any Justice of the Peace for the County of Lambton, having jurisdiction in the said township, and in case of non-payment to be collected by distress and sale of goods of the offender, and in default of sufficient distress, the offender may be imprisoned in the county jail for the said County of Lambton for a period not exceeding twenty-one days without or with hard labor.

19. The company shall cross the channels of all the creeks and streams which intersect the said railroad, crossing any of the roads on separate bridges of their own construction, and in no event shall the said company lay their track on the public highway bridges or culverts across those streams.

20. The said railway shall be constructed, erected, laid down and arranged as to impede or incommode the public use of any street or highway or public place as little as possible and so as not to be a nuisance thereto, nor to interfere with the free access to any house or other building erected in the vicinity of the same.

21. Where it is necessary in constructing their railway for the boundary fences to be set back so that the company's track shall not interfere with the travelled portion of the highway, the company shall deal with the owners of the adjacent land.

22. The rights and privileges granted by these by-laws shall extend for a period of thirty years from the date of its acceptance by the said company, and shall be renewable for a further period of twenty years upon such terms and conditions as may be agreed upon between the said corporation and the said company, or in case of disagreement between the said parties, upon such terms and conditions as may be determined by arbitration, under the provisions of *The Municipal Act*, and in the event of legislation being sought to legalize or authorize such renewal or renewals for such further term of years, the said corporation shall, at once, on request being made by the said company aid in procuring such legislation, provided the terms and conditions upon which such renewal is asked for are satisfactory to the corporation, or in accordance with the final award made pursuant to such arbitration.

23. All the property of the company used in connection with the construction and operation of the railway and other objects covered by this By-law and appertaining thereto, and the income derived therefrom by the company, shall be exempt from taxation and from all local rates and charges for a period of ten years from the date hereof, and the said township shall consent to any necessary legislation in that behalf, provided, however, that this exemption shall not apply to school rates.

24. The company shall have the right to carry freight, express or mail matter within or through the said municipality, and charge a reasonable compensation for carrying the same. In the event of the said company seeing fit to run cars for carrying milk the said cars may be operated on Sundays for that purpose (but not for any other purpose except as hereinafter provided) and a reasonable compensation charged therefor.

25. The said company shall have the right to run their cars to and from the cemetery on Sunday afternoons and to run a car to the beach in the Sunday mornings in time to bring people into town for church service, and to run a car back to beach again with people immediately  
after

after church service, but not to otherwise operate the road or their cars on Sundays.

26. So far as the municipal council has power to grant the same, the company may deflect its line from the said streets, roads and highways, and operate the same along and across private properties, after expropriating the necessary rights of way under the provisions of the statutes in that behalf, or otherwise acquiring the same, and in the event of there not being sufficient room between the ditch and the side of the road for the railway track, the said corporation shall in no case be held under any obligation to provide a right of way for same.

27. Where the said company shall operate their line along a private right of way, and the said railway crosses the highways intersecting the said highways, the privileges and exemptions hereby granted by these By-laws shall extend and be applicable to such crossings of said intersecting highways.

28. The company shall have the right to lease its works or any part thereof or dispose otherwise of the same and also the rights and privileges hereby granted to any person or corporation but subject to the provision of this By-law.

29. The municipality shall join with the company in any petition or application which the company may make to obtain the privilege of crossing the railway track of any steam railway which it may be necessary for the company to cross under the provisions of this By-law, but the corporation shall not be required or compelled to incur any expense therewith and the company shall pay all expenses the corporation may incur.

30. All provisions of this By-law, if any, which are beyond the jurisdiction of the said corporation to enact, shall not operate or come into force until the same is sanctioned, ratified and confirmed by the legislature of the Province of Ontario.

31. The corporation shall join with the company in applying to the legislature of the Province of Ontario for legislation confirming, ratifying and legalizing this By-law and the agreement to be entered into between the corporation and the company pursuant thereto, but the said company shall pay all the costs of such legislation including the costs of the corporation (if any).

32. This By-law and the powers and privileges hereby granted shall not take effect or be binding on the said corporation unless and until formally accepted by the said company within sixty days after its incorporation by an agreement that shall legally bind the said company to observe and comply with all the agreements, obligations, terms and conditions herein contained and which agreement shall be approved by the township solicitor and executed by the company, and under the seal of the said corporation by the reeve and clerk.

33. The corporation shall not be liable to the company for any encroachment of ditches or drains upon, toward or under the tracks of the company and the corporation shall have the right to require the said tracks to be located at such a distance from said drains and ditches as it may appear necessary to the said corporation to have the same, in order that such tracks may not interfere with such drains or ditches.

34. If any person, persons or corporation shall desire to remove any building or buildings, or any other large substance across, or along the track of the railway where the same is situated upon the highway, they shall have the right to do so and have a reasonable time therefor, provided that the said person, persons or corporation shall give the company two days notice of their intention to remove such building or buildings or other large substance, and the company's wires and overhead construction shall be removed for that purpose by and at the expense of the company.



35. The rights, privileges and franchises granted by this By-law shall be subject to all the conditions, provisions and stipulations contained in this By-law, and also subject to the provisions contained in *The Electric Railway Act*, and in every Act in amendment thereof, or substitution therefor, but where the provisions of said Acts and this By-law are dissimilar then the provisions of this By-law shall govern.

36. Should the company fail to complete said railway, or to commence operating the same within the time limited by this By-law, or should the said company after completion fail to continue to operate the same, or to comply with the provisions in this By-law contained for the space of one month after written notice of such neglect or default shall be served on the company, then the said persons and company shall forfeit all privileges and rights which they have acquired by said grant or under this By-law, and the corporation shall have the right to remove all materials and obstructions from the highways at the expense of the company, but in respect to those portions of the proposed road from Exmouth street along the Weesbeach road to the junction of the Errol road with the Weesbeach road near the cemetery and that portion of the Errol road to the Weesbeach road, in the event of their or either of their non-construction or non-user the said forfeiture shall only apply to such respective portions.

37. The company will indemnify and hold harmless the said corporation from all loss, costs, damages and expenses of any kind which may be incurred in consequence of any litigation in connection with anything done or permitted under the provisions of this By-law or by reason of the passing thereof, or in consequence of the construction or operation or existence of the company's railway or other works.

38. The franchise by this By-law granted is subject to the right of the corporation to grant to other persons or other companies the right to cross with their railways the tracks of the company at any such places as to the said corporation may appear necessary or advisable, but such crossings are to be put in at the expense of the company applying for the same, and this franchise is granted subject to all existing rights in any person or persons or company whatsoever outstanding against the township.

This By-law shall be known as By-law Number 60½ C of 1902, of the Township of Sarnia.

Finally passed this 19th day of December, A.D., 1902.

GEORGE COLE,  
Reeve.

(Seal) Tp. of Sarnia.

MAGGIE LOWRIE,  
Clerk.

## CHAPTER 115.

## An Act respecting the South-Western Traction Company.

*Assented to 12th June, 1903.*

**W**HEREAS the South-Western Traction Company (hereinafter called the Company), incorporated under an Act of the Legislative Assembly of the Province of Ontario, being Chapter 96 of the Acts passed in the second year of the reign of His Majesty King Edward VII., has, by its petition, prayed that the agreement made and entered into between the Company and the Middlesex and Elgin Inter-urban Railway Company dated the twelfth day of May 1903, be validated and confirmed, and that the capital stock of the said Company be increased to the sum of \$1,000,000, and that the said Act may be otherwise amended in the manner hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Preamble.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The agreement between the Company, and the Middlesex and Elgin Inter-urban Railway Company, dated the twelfth day of May 1903, and set out in Schedule "A" hereto, is declared to be valid and binding upon the parties thereto.

Agreement validated.

2. Section 2 of the Act passed in the second year of His Majesty's reign, and chaptered 96, is repealed, and the following substituted therefor :—The said company and their servants and agents are hereby authorized and empowered to survey, lay out, construct, complete, equip, maintain and operate by compressed air or electricity and from time to time remove and change a double or single track iron or steel railway of the gauge of four feet, eight and one-half inches with all necessary side tracks and turn outs for the passage of cars, carriages and other vehicles adapted to the same, from a point in or near the Town of Aylmer, in the County of Elgin, passing through the Townships of Malahide and Yarmouth, the City of St. Thomas and the Township of Southwold, all in the said County of Elgin and the Township of Westminster in the County of Middlesex, to a point in or near, or through the City of London, in the said County of Middlesex, with a branch from the said City of St. Thomas to

2 Edw. VII.  
c 96, sec. 2,  
amended.

to a point in or near the Village of Port Stanley, in the said County of Elgin; and from some point in the City of London, through the said City, and from thence in a westerly direction to the Village of Glencoe, passing through the Townships of Westminster, Deleware, Caradoc and Ekfrid, and through or near the Villages of Lambeth, Deleware, Melbourne, Longwood and Appin; and from the Village of Deleware in a northwesterly direction to the Town of Strathroy, passing through the Townships of Deleware and Caradoc, and the Village of Mount Brydges; from the City of London in an easterly direction to the Town of Ingersoll, passing through the Townships of Westminster, North Dorchester, West Oxford and North Oxford, and the Villages of Nilestown, Dorchester and Putnamville, with a branch line from the Town of Ingersoll in a northwesterly direction to the Village of Thamesford, and another branch line from the said Town of Ingersoll, northerly to the southerly boundary of the Township of West Zorra; from the City of London in an easterly direction to the City of Brantford, passing through the Township of London and along or near the town line between the Townships of West Nissouri, East Nissouri, West Zorra, East Zorra, Blandford, Blenheim, and South Dumfries on the north side, and the Townships of North Dorchester, North Oxford, East Oxford, Burford, and Brantford on the south side as far as the Town of Paris, and from the Town of Paris through the Township of Brantford, to the City of Brantford, and through the Village of Thamesford, the City of Woodstock, the Villages of Eastwood and Princeton and the Town of Paris; and with like power and subject to like conditions, so soon as, but not before, the railway authorized from the City of London to the City of Brantford has been constructed, to construct a railway from the City of Brantford to the City of Hamilton passing through the Townships of Onondaga and Ancaster, and the Villages of Cainsville, Jerseyville and Ancaster, and along the Townline between the Townships of Ancaster and Barton; and from the Town of Paris through the Township of South Dumfries to and through the Villages of St. George and Harrisburg, and thence along the Townline between the Townships of Beverly and Flamboro on the north side and the Township of Ancaster on the South side, to the City of Hamilton, with power to build any part of the said railway in sections as hereinafter provided; and the said railways or any part thereof so far as the same may be operated by electricity, may be carried along and upon such public highways as may be authorized by the by-laws of the respective Corporations having jurisdiction over the same, and subject to the restrictions and the provisions therein, and in this Act contained and under and subject to any agreements between the Company and the Councils of any of the said Corporations, and between the Company and the Road Companies, (if any) interested in such highways; and as to any portion of the said railway to be constructed over a toll road

in



in the said County of Elgin, then also under and subject to agreement between the Corporation of the said County of Elgin and the said Company; and the said Company may make and enter into any agreements with any Municipal Corporation or Road Company as to the terms of occupancy of any street or highway, subject to the provisions and conditions contained in this Act, *The Electric Railway Act* and in *The Municipal Act*, and any Act or Acts amending the same.

Rev. Stat.,  
c. 209.  
Rev. Stat.,  
c. 223.

3. Section 8 of the said Act is repealed, and the following substituted therefor:—

2 Edw. VII.,  
c. 96, sec. 8,  
repealed.

The capital stock of the Company shall be \$1,000,000, to be divided into 10,000 shares of \$100 each.

Capital stock.

4.—(1) The Company may issue bonds or debentures covering the whole or any section or sections of the railway authorized by the said Act, and by this Act as soon as the Company has constructed or acquired five miles of railway, and to secure such bonds or debentures may mortgage the whole or any section or sections of the said railway, as the directors may from time to time provide.

Debenture  
issue.

(2) The bonds or debentures shall only be issued to the purchasers thereof in proportion to the length of railway constructed or acquired, or under contract to be constructed.

5. Corporations and trustees, whether private or public are hereby authorized to sell, and convey to the Company any lands which the Company may require for use as a right of way, or for other purposes, and such conveyances shall pass to the Company an estate in fee simple in such lands; Provided that no such sale shall be made by the public school trustees of any school section without the consent of the public school ratepayers of such school section to be given at a meeting called for the purpose of considering such sale in the manner provided by sub-section 2 of section 14 and section 15 of *The Public Schools Act*.

Conveyances  
by corpora-  
tions and  
trustees.

Proviso.

1 Edw. VII.,  
c. 39.

6. The Company is hereby authorized to use upon their line of railway steam as a motive power during the construction of the road, and at other times for construction purposes.

Use of steam.

7. The Company shall have power to purchase or otherwise acquire lands for the purposes of the Company and shall have power to construct and operate its line of railway upon lands so acquired and shall have the right without any municipal by-law or consent to construct and operate its line of railway across highways and toll roads, upon the level, where such highways or toll roads intersect or adjoin the lands so acquired; Provided that this section shall not apply to the City of St. Thomas, and that the London and Port

Crossing high-  
ways etc.

Proviso.

Port

Port Stanley Gravel Road shall not be crossed by the railway without the consent of the Corporation of the County of Elgin or the authority of the Railway Committee of the Executive Council of Ontario.

Bridges over  
and tunnels  
under high-  
ways.

8. The Company shall not construct any bridge over, or any tunnel under a high way or toll-road, without the consent of the Municipality, and in the case of any toll-road in the County of Elgin without the further consent of the Corporation of the said County.

Crossing other  
lines on the  
level.

9. Notwithstanding any provision to the contrary in any other Act, the Company's railway may cross the railway of any other company upon a level therewith with the consent of such other company or with the authority of the Railway Committee of the Privy Council of Canada or of the Railway Committee of the Executive Council of Ontario, but nothing in this section shall be construed as purporting or intending to confer rights or powers on the said Company or the Railway Committee of the Executive Council of Ontario, not within the legislative authority of the Province of Ontario.

2 Edw. VII.,  
c. 96, sec. 17  
amended.

10. Section 17 of the said Act is amended by striking out all words, including the word "the" in the second line thereof, down to and including the word "company" in the seventh line thereof, and inserting after the word "with" in the said second line the words "any railway or street railway company or companies."

2 Edw. VII.  
c. 96, s. 10  
amended.

11. Section 10 of the said Act is amended by striking out the word "four" in the eighth line thereof and inserting instead thereof the word "two."

Payments of  
charges on  
goods carried

12. The Company shall have the power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such charges by the Company, the Company without any formal transfer, shall have the same lien for the amount thereof upon such goods or commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

Expropria-  
tion.  
Rev. Stat.,  
c. 209.

13. Notwithstanding anything contained in *The Electric Railway Act* to the contrary, the Company may exercise all powers of expropriation provided by the said Act, without the consent of the Council of the Municipality in which the lands sought to be expropriated, are situate, and without the certificate of the County Judge, upon the Railway Committee of the Executive Council of Ontario so ordering, and the said Railway Committee may, on the application of the Company, order that the Company shall have such powers of expropriation.

14. Section 23 of the said Act is repealed and the following substituted therefor:—

2 Edw. VII.,  
c. 96, sec. 23  
repealed.

23. Notwithstanding anything in this Act contained no railway shall be constructed along any highway within the limits of any city except upon and subject to such terms and conditions as may mutually be agreed upon between the Company and any street railway or electric railway already operating in such city; provided always that if the council of such city shall by by-law or resolution request the street railway company or electric railway company to allow its tracks or any of the city streets to be used for the entrance of the railways to be constructed under this Act into such city, the Company shall permit its tracks or any city streets to be so used to some central point in the said city to be named by the city council upon such terms and conditions as to compensation and otherwise as may be mutually agreed upon between the company authorized by this Act to construct a railway, the city corporation and such street railway or electric railway company, or as shall be settled and determined by the Lieutenant-Governor in Council in case the city corporation and the said two companies are unable to agree upon the same.

Operating in  
cities.

Proviso.

## SCHEDULE A.

### (Section 1.)

This agreement made this twelfth day of May, A D. 1903, between The Middlesex and Elgin Inter-urban Railway Company of the first part, and the South-Western Traction Company of the second part.

Whereas the parties of the first part have been incorporated by an Act of the Legislature of Ontario for the purpose of constructing and operating a line of electric railway between the Town of Aylmer and the City of St. Thomas, and the City of St. Thomas and the City of London, with a branch from the City of St. Thomas to the Village of Port Stanley.

And whereas the parties of the first part have acquired a number of valuable franchises and rights of way in respect of the construction and operation of their said railway.

And whereas the parties of the second part desire to purchase from the parties of the first part the said railway and undertaking and franchises and rights of way as aforesaid.

And whereas the parties of the first part have agreed to sell the same to the parties of the second part for the consideration hereinafter mentioned.

Now therefore this indenture witnesseth that in pursuance of the said agreement and in consideration of the agreement by the parties of the second part hereinafter set out the parties of the first part hereby grant, assign, transfer, and set over to the parties of the second part the said railway and undertaking and all the powers of the parties of the first part under the said Act and all the said franchises and rights of way and all agreements, options, by-laws, lands, tenements, hereditaments and premises whatsoever.

And



And this agreement further witnesseth that the parties to the second part agree to issue to the shareholders of the parties of the first part one thousand shares in the capital stock of the parties of the second part to be held by the parties to whom the said shares may be issued as fully paid-up stock without any liability thereunder whatsoever.

The parties of the second part further agree to assume and pay all the liabilities of the parties of the first part (except liability to shareholders in respect of shares) and the expense of any legislation which may be necessary or which may be obtained for the purpose of validating and confirming this agreement.

In witness whereof the parties hereto have hereunto set their Corporate Seals and the hands of their respective Presidents.

Signed, sealed and delivered in the presence of Sgd. A. E. WELCH.	{ The Middlesex and Elgin Inter-urban Railway Company. per Sgd. A. McKAY, President. L.S. The South Western Traction Company. per Sgd. T. S. RUMBALL, President. L.S.
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## CHAPTER 116.

An Act to incorporate The Stratford Radial  
Railway Company.*Assented to 12th June, 1903.*

**W**HEREAS Harry M. Sloan, of the City of Chicago, in the Preamble.  
State of Illinois, one of the United States of America,  
Railway Manager, John Jamieson, of the said City of Chicago,  
Publisher, Robert Paxton, of Port Dover, in the County of  
Norfolk, Banker, James E. Ferguson, of the Town of Ingersoll,  
in the County of Oxford, Cattle Dealer, and George  
Sutherland, of the said City of Chicago, Journalist, have by  
their petition prayed that they may be incorporated under  
the name of "The Stratford Radial Railway Company" for  
the purpose of constructing, equipping and operating an  
electric line of railway to run in and through the City of  
Stratford and thence westerly along the road known as the  
Huron Road, or by a route adjacent thereto, through the  
Townships of Downie, Ellice, Fullarton and Logan in the  
County of Perth, or through any two or more of them, and  
through the Village of Sebringville to the Town of Mitchell  
in the said County of Perth; and a line from a point on the  
said line of railway at or near the centre line of the said  
Township of Downie, thence in a southerly direction along  
the said centre line or by a route adjacent thereto through  
the said Township of Downie and through the Township of  
Blanshard in the County of Perth, to the Town of St. Mary's;  
and also a line from a point in the City of Stratford running  
in a southerly direction through the said Township of Downie,  
and the Township of West Zorra and the Village of Embro, in  
the County of Oxford to Embro Station on the Canadian Pacific  
Railway, together with a branch line from a point on the rail-  
way lastly authorized, running in an easterly direction through  
the said Townships of West Zorra, Downie and Blanshard and  
the Township of East Nissouri in the County of Oxford, or any  
two or more of the said Townships, to the said Town of St.  
Mary's, and also with such lines through upon and over the  
lands, streets and highways in the said several municipalities  
as may be authorized by the said municipalities; and whereas  
it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and  
consent of the Legislative Assembly of the Province of Ontario,  
enacts as follows:—

1. The said Harry M. Sloan, John Jamieson, Robert Paxton, James E. Ferguson and George Sutherland and such other persons

Incorpor-  
ation.

persons and corporations as shall hereafter become shareholders of the said company are hereby constituted a body corporate and politic under the name of "The Stratford Radial Railway Company."

Location of  
line.

2. The said company is hereby authorized and empowered to survey, lay out, make, construct, equip, complete, maintain, alter and keep in repair iron or steel railways, to be operated by electricity, with double or single iron or steel tracks and with all the necessary branches, switches, side-tracks, and turn-outs for the passage of cars, motors and other vehicles adapted thereto, in and through the City of Stratford and thence westerly along the road known as the Huron Road (upon obtaining authority from the Corporation or Corporations having jurisdiction thereover) or by a route adjacent thereto, through the Townships of Downie, Ellice, Fullarton and Logan in the County of Perth, or through any two or more of them, and through the Village of Sebringville to the Town of Mitchell in the said County of Perth; and a line from a point on the said line of railway at or near the centre line of the said Township of Downie, thence in a southerly direction along the said centre line (upon obtaining authority from the Corporation of the said township) or by a route adjacent thereto through the said Township of Downie and through the Township of Blanshard in the County of Perth, to the Town of St. Mary's; and also a line from a point in the City of Stratford running in a southerly direction through the said Township of Downie, and the Township of West Zorra and the Village of Embro, in the County of Oxford to Embro Station on the Canadian Pacific Railway, together with a branch line from a point on the railway lastly authorized, running in an easterly direction through the said Townships of West Zorra, Downie and Blanshard and the Township of East Nissouri in the County of Oxford, or any two or more of the said Townships, to the said Town of St. Mary's; and the said railways or any of them or any part thereof may be carried along and upon such public highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same and subject to the restrictions and provisions therein, and in this Act contained and under and subject to any agreements hereafter to be made between the said company and the Councils of any of the said corporations and between the company and the road companies (if any) interested in such highways; and the said company may make and enter into any agreement with any municipal corporation or road company as to the terms of the use and occupancy of any street or highway subject to the provisions and conditions contained in this Act, *The Electric Railway Act* and in *The Municipal Act* and any Act or Acts amending the same.

Rev. Stat.,  
c. 209.

Rev. Stat.,  
c. 223.

Running  
arrangements  
with other  
companies.

3. The said company shall have power to agree for connections and making running arrangements with any company or



or companies now or hereafter lawfully authorized to construct and operate a railway or railways in the municipalities named in section 2 of this Act, if lawfully empowered to enter into any such agreement, upon terms to be approved by two-thirds in value of the shareholders, at a special general meeting to be held for that purpose; and it shall also be lawful for the said company to enter into an agreement or agreements with the said companies or any of them, if lawfully authorized to enter into any such agreement, for the sale or leasing or hiring of any portion of the railway herein authorized or the use thereof, or for the sale or leasing or hiring any motors, carriages or cars or any of them or of any part thereof, or touching any service to be rendered by one company to the other, and the compensation therefor, if the arrangements and agreements shall be approved of by two-thirds in value of the shareholders voting in person or by proxy at a special general meeting to be called for that purpose; and every such agreement shall be valid and binding according to the terms and tenor thereof; and the company purchasing, leasing or entering into such agreement for using the said railway, may and are hereby authorized to work the said railway in the same manner as if incorporated with their own line, subject to the provisions of any by-law or by-laws of the said municipalities which may from time to time be in force so far as the same may affect the company hereby incorporated, or the railway to be built under the authority of this Act. Provido. that electric power only shall be used in operating any portion of the said railways or any section or branch thereof; and provided also that no such agreement for connections, running arrangements, sale, leasing or hiring of the said railway or any portion thereof, shall be entered into by the said company unless and until the consent of the corporation of the municipality or municipalities having jurisdiction in that respect has first been obtained thereto; but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

4. The authority and power conferred on the company by this Act to enter into agreements with any other railway company for connections, running arrangements, sale, lease or hiring of the said railways or to sell or lease or transmit electrical power shall be subject to such terms, conditions and regulations as may be provided and enacted by any general or special Act or Acts which may, at the time such agreement is entered into, be in force, and to such terms, conditions and regulations general or special as the Lieutenant-Governor in Council or any Special Committee of the Executive Council of Ontario appointed for that purpose may from time to time order. Running arrangements to be subject to approval of Government.

5. The said Harry M. Sloan, John Jamieson, Robert Pax- Provisional directors. 1  
ton,

ton, James E. Ferguson and George Sutherland, with power to add to their number, shall be and are hereby constituted a board of provisional directors of the said company, and shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders.

Meetings of  
provisional  
directors.

**6.** All meetings of the provisional board of directors of the said company shall be held at the City of Stratford in the County of Perth.

Annual  
meeting.

**7.** The date of the annual meeting of the shareholders shall be fixed by the by-laws of the said company.

Capital stock.

**8.** The capital stock of the said company shall be \$500,000 to be divided into 5,000 shares of \$100 each.

Application  
of capital.

**9.** The said capital stock of the said company of \$500,000 shall be applied and appropriated towards the construction of the said railways in the following manner:—\$200,000 to the section thereof within the City of Stratford and from the City of Stratford to the Town of Mitchell; \$150,000 to the section thereof from the last named line to the Town of St. Mary's; and \$150,000 to the section thereof running to Embro station and the branch therefrom to the Town of St. Mary's. When and so soon as twenty-five per centum of the authorized capital appropriated to any such section shall be subscribed and ten per centum thereof has been paid into some chartered bank of the Dominion having an office in the Province of Ontario, to the credit of the company, and which shall on no account be withdrawn unless for the services of the company, the provisional directors or a majority of them present at a meeting duly called for that purpose shall call a general meeting of the shareholders of the said company for the purpose of organization at the City of Stratford at such time as they think proper, giving the notice prescribed by *The Electric Railway Act*, at which meeting the shareholders who have paid at least ten per centum of the amount of stock subscribed for by them, shall, from the shareholders possessing the qualifications in the said Act mentioned, elect not less than five or more than nine persons to be directors of the said company.

Rev. Stat.  
c. 209.

Head Office.

**10.** The head office of the said company shall be at the City of Stratford, in the County of Perth.

Traffic—  
what may be  
carried.

**11.** The said company may make uniform special rates for the storage and carriage of fruit, milk and any other perishable goods.

Bonds.

**12.** The directors of the said company shall have power to issue bonds and debentures of the company for the purpose of  
raising

raising money for prosecuting the undertaking, but the whole amount of the issue of such bonds or debentures shall not exceed \$20,000 for each mile of said railways, and no bonds or debentures shall be issued until twenty-five per centum of the authorized capital appropriated to any one of the sections has been actually expended on such section; and, except as herein provided, the borrowing powers of the company shall be governed by the said Electric Railway Act.

Rev. Stat.  
c. 209.

**13.**—(1) The directors may make a by-law for creating and issuing any part of the capital stock as preference stock, giving the same such preference and priority as respects dividends and otherwise over ordinary stock as may be declared by the by-law.

Preference  
stock, by-law  
for issuing.

(2) The by-law may provide that the holders of shares of such preference stock shall have the right to select a certain stated proportion of the board of directors, or may give them such other control over the affairs of the company as may be considered expedient.

Special rights  
of preference  
shareholders.

(3) No such by-law shall have any force or effect whatever until after it has been unanimously sanctioned by a vote of the shareholders present in person or by proxy at a general meeting of the company duly called for considering the same or unanimously sanctioned in writing by the shareholders of the company; provided, however, that if the by-law be sanctioned by three-fourths in value of the shareholders of the company, the company may, through the Provincial Secretary, petition the Lieutenant-Governor in Council for an order approving the said by-law, and the Lieutenant-Governor may, if he sees fit, approve thereof, and from the date of such approval the by-law shall be valid and may be acted upon.

Unanimous  
sanction  
required.

Special  
proviso.

(4) Holders of shares of such preference stock shall be shareholders within the meaning of this Act, and shall in all respects possess the rights and be subject to the liabilities of shareholders within the meaning of this Act, provided however that in respect of dividends and otherwise, they shall as against the ordinary shareholders be entitled to the preferences and rights given by such by-law.

Rights and  
liabilities of  
preference  
shareholders.

(5) Nothing in this section contained or done in pursuance thereof, shall affect or impair the rights of creditors of the company.

Rights of  
creditors  
preserved.

**14.** The company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the said railways are to pass, together with the map or plan thereof, and of their course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also a statement in accordance with the provisions of section 27 of *The Electric Railway Act*, and to deposit the same as required by the clauses of the said Elec-

Construction  
of line by  
sections.

Rev. Stat.  
c. 209.

tric



tric Railway Act and amendments thereto, with respect to plans and surveys, by sections or portions less than the length of the whole railways authorized, of such length as the company may from time to time see fit, so that no, one of such sections or portions shall be less than five miles in length; and upon such deposit as aforesaid of the map or plan and statement of any and each of such sections or portions of the said railways, all and every of the clauses of the said *Electric Railway Act* and the amendments thereof applied to, included in or incorporated with this Act shall apply and extend to any and each of such sections or portions of the said railways as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railways are to pass, together with the map or plan of the whole thereof, and of their whole course and direction and of the lands intended to be passed over and taken, and the statement of the whole of said railways had been taken, made, examined, certified and deposited according to the said clauses of the said *Electric Railway Act* and the amendments thereof with respect to "plans and surveys." The construction of the railways in sections may be commenced at such point on the line of railway as the directors may determine, but the said work of construction shall be carried on from such point by sections continuing therefrom so as to form at all times one continuous line of railway; provided, however, that the Lieutenant-Governor in Council may sanction and approve of the construction by sections at different points, and not continuously along the said line of railway.

Rev. Stat.  
c. 209.

Proviso,

Powers as to  
production  
and supply of  
electric power.

**15.** The company, may, in all municipalities where such sale or lease is authorized by by-law of the council of the municipality and subject to the terms and conditions imposed by such by-law, sell or lease any electricity or electric power not required for the purposes of the Company to any person, firm or corporation; and in that behalf shall possess the powers, rights and privileges and shall be subject to the obligations and restrictions of joint stock companies incorporated under *The Act respecting Companies for Supplying Steam, Heat, Electricity or Natural Gas for Heat, Light or Power*, and the company may acquire and hold any property necessary for the purposes mentioned in this section.

Rev. Stat.  
c. 200.

Exclusive  
rights not to  
be granted to  
company.

**16.** Notwithstanding anything contained in this Act, or in any Statutes of the Province, no municipality shall have the power to grant to said railways any exclusive rights, privileges, or franchise as to the transmission of electrical energy for power, light and heat, over or across any public highway or street in said municipality.

Payments in  
paid up stock  
or bonds.

**17.** The directors may enter into a contract or contracts with any individual, corporation or association of individuals for the construction or equipment of a railway or any part thereof,

thereof, including or excluding the purchase of right of way, and may pay therefor either in whole or in part, either in cash or in bonds, or in paid-up stock, and may pay or agree to pay in paid-up stock or in bonds of the said company such sums as they may deem expedient to engineers or for the right of way or material, plant or rolling stock, and also for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors and furthering the undertaking, or for the purchase of right of way, material plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not; provided that no such contract shall be of any force or validity till sanctioned by resolution passed by the votes of the shareholders in person or by proxy representing two-thirds in value of the whole amount paid up of the total capital stock of the company then issued and outstanding at a general meeting of the shareholders specially called for the purpose of considering such matters. Proviso.

18. The several clauses of *The Electric Railway Act*, and of every Act in amendment thereof shall be incorporated with and be deemed to be part of this Act, and shall apply to the company and to the railways to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof, and the expression "this Act" when used herein shall be understood to include the clauses of the said *Electric Railway Act* and of every Act in amendment thereof so incorporated with this Act. Application of  
Rev. Stat.  
c. 209.

19. The railways, or such sections thereof as are authorized by this Act, shall be commenced within two years and shall be completed within five years from the passing hereof. Time for com-  
mencement  
and comple-  
tion.

20. Notwithstanding anything in this Act contained, the railway shall not be constructed within the limits of any city except upon and subject to such terms and conditions as may mutually be agreed upon between the company and any street railway or electric railway already operating in such city; provided always that if the council of such city shall by by-law or resolution request the street railway company or electric railway companies to allow its tracks or any of the city streets to be used for the entrance of the railway to be constructed under this Act into such city, the company shall permit its tracks or any city streets to be so used to some central point in the said city to be named by the city council upon such terms and conditions as to compensation and otherwise as may be mutually agreed upon between the company authorized by this Act to construct a railway, the city corporation and such street railway or electric railway company, or as shall be settled and determined by the Lieutenant-Governor in Council in case the city corporation and the said two companies are unable to agree upon the same. Operating  
in cities.  
  
Proviso.

## CHAPTER 17.

## An Act to incorporate the Sudbury, Copper Cliff and Creighton Electric Railway Company.

*Assented to 12th June, 1903.*

## Preamble.

**W**HEREAS Norman T. Hillary, Joseph S. Gill, Daniel Baikie, Robert Martin, William H. Mulligan, John McLeod, James Purvis and Robert H. Arthur, all of the Town of Sudbury, and Daniel L. McKinnon, John R. McKinnon, William C. Kilpatrick, and John Price, all of the Town of Copper Cliff, have by their petition prayed for an Act of Incorporation under the name of "The Sudbury, Copper Cliff and Creighton Electric Railway Company," for the purpose of constructing and operating an electric railway from some point in the Township of Snider, in the District of Algoma, near the Western boundary of the said township, and continuing through the Township of Snider and the Town of Copper Cliff, in the District of Algoma, and the Towns of Copper Cliff and Sudbury and the Township of McKim, in the District of Nipissing; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

## Incorporation.

1. Norman T. Hillary, Joseph S. Gill, Daniel Baikie, Robert Martin, William H. Mulligan, John McLeod, James Purvis and Robert H. Arthur, Daniel L. McKinnon, John R. McKinnon, William C. Kilpatrick and John Price, and such other persons and corporations as shall hereafter become shareholders in the said company, are hereby constituted a body corporate and politic, under the name of "The Sudbury, Copper Cliff and Creighton Electric Railway Company."

## Location of line.

2. The said company is hereby authorized and empowered to survey, lay out, construct, equip, maintain, and operate by electricity, and from time to time remove and change a double or single track iron or steel railway of the gauge of four feet eight and one-half inches, and with all necessary side-tracks and turn-outs for the passage of cars, carriages, and all other vehicles adapted to the same, from a point in or near the western boundary of the Township of Snider, in the District of Algoma, and continuing through the Township of Snider and the Town of Copper Cliff, in the District of Algoma, and the Towns



Towns of Copper Cliff and Sudbury and the Township of McKim, in the District of Nipissing, with power to build any part or branch of said railway in sections; and the said railway or any part thereof so far as the same may be operated by electricity may be carried along and upon such public highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same and subject to the restrictions and provisions therein and in this Act contained, and under and subject to any agreements made or hereafter to be made between the said company and the councils of any of the said corporations, and between the company and the road companies (if any) interested in such highways; and the said company may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway, subject to the provisions and conditions contained in this Act, *The Electric Railway Act* and in *The Municipal Act*, and any Act or Acts amending the same.

Rev. Stat.  
c. 209.  
Rev. Stat.  
c. 223.

3. The company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the said railway is to pass, together with the map or plan thereof, and of its course and direction and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also a statement in accordance with the provisions of section 27 of *The Electric Railway Act*, and to deposit the same as required by the clauses of the said *Electric Railway Act* and amendments thereto, with respect to "plans and surveys," by sections or portions less than the length of the whole railway authorized, of such length as the company may from time to time see fit, so that no one of such sections or portions shall be less than five miles in length, and upon such deposit as aforesaid of the map or plan, and statement of any and each of such sections or portions of the said railway, all and every of the clauses of the said *Electric Railway Act*, and the amendments thereof, applied to, included in or incorporated with this Act, shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof and of its whole course and direction, and of the lands intended to be passed over and taken, and the statement of the whole of said railway had been taken, made, examined, certified, and deposited according to the said clauses of the said *Electric Railway Act* and the amendments thereof with respect to "plans and surveys." The construction of the railway in sections may be commenced at such point on the line of the railway as the directors may determine, but the said work of construction shall be carried on from such point by sections continuing therefrom so as to form at all times one continuous line of railway; provided, however, that the

Construction  
of line by  
sections.

Rev. Stat.  
c. 209.

Lieutenant-

Proviso.

Lieutenant-Governor in Council may sanction and approve of the construction by sections at different points, and not continuously, along the said line of railway.

Power to  
operate road  
in sections.

Rev. Stat.  
c. 209.

4. Whenever any section of the said railway, of not less than five miles, has been completed, the company may give to the Commissioner of Public Works a notice as to it similar to that required by section 87 of *The Electric Railway Act*, and unless ordered as provided by section 89 of said Act to postpone the same, may open and operate such section as if it were a completed road, and all the sections of the said Act applicable thereto shall thereupon apply to the said section as if it were a completed road and to its operation.

Power to  
borrow by the  
issue of bonds,  
etc.

Rev. Stat.  
c. 209.

Provisional  
Directors.

Rev. Stat.  
c. 209.

Head Office.

Capital Stock.

Number of  
directors.

Date of annual  
meeting.

5. The said company shall have all the borrowing powers conferred by the provisions relating thereto in *The Electric Railway Act*, and may issue bonds, debentures and other securities, as therein provided, to an amount not exceeding \$15,000 for each mile of the railway, and the power of issuing such bonds, debentures, or other securities may be exercised from time to time as said sections of five miles or over are opened, to the amount of \$15,000 a mile for each mile so opened, although twenty per centum of the authorized capital may not have been then actually expended; and when said twenty per centum has been actually expended on the work of the said railway, then the company shall have all the powers relating to the issue of bonds, debentures and securities conferred by *The Electric Railway Act*, and to the said limit or amount of \$15,000 per mile of the railway.

6. The said Norman T. Hillary, Joseph S. Gill, Daniel Baikie, Robert Martin, Daniel L. McKinnon, William C. Kilpatrick, John Price, John McLeod, and James Purvis shall be and are hereby constituted a board of provisional directors of the said company, of whom a majority shall be a quorum, and shall hold office as such until other directors shall be appointed under the provisions of *The Electric Railway Act*.

7. The head office of the said company shall be at the Town of Sudbury in the District of Nipissing, and all meetings of the provisional board of directors shall be held at the said Town of Sudbury, or at such other place as may best suit the convenience of the company.

8. The capital stock of the company shall be \$150,000, to be divided into 1500 shares of \$100 each.

9. The number of directors shall not be less than five, nor more than nine.

10. The date of the annual meeting of the shareholders shall be fixed by the by-laws of the said company.

11. The directors may enter into a contract or contracts with any individual, corporation or association of individuals for the construction or equipment of the railway or any part thereof, including or excluding the purchase of right of way, and may pay therefor either in whole or in part, either in cash or bonds, or in paid-up stock, and may pay or agree to pay in paid-up stock or in bonds of the said company such sums as they may deem expedient to engineers, or for the right of way or material, plant or rolling stock, and also for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors and furthering the undertaking, or for the purchase of right of way, material, plant or rolling stock whether such promoters or other persons be provisional or elected directors or not; provided that no such contract shall be of any force or validity unless first authorized by resolution passed by the votes of the shareholders in person or by proxy, representing two-thirds in value of the subscribed capital stock, and on which no call is in default and unpaid, at a general meeting specially called for that purpose.

Directors empowered to pay in stock

Proviso.

12. The directors of the company may from time to time make such calls of money upon the respective shareholders in respect of the amount of capital respectively subscribed or owing by them as they may deem necessary, and thirty days' notice at the least shall be given of each call, and no call shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, or be made at a less interval than two months from the previous call.

Calls.

13. Aliens and companies incorporated abroad, as well as British subjects and corporations may be shareholders in the company, and all such shareholders, whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors of the company.

Rights of aliens.

14. The provisions of *The Ontario Companies Act* relating to the issue of preferential stock, and being section 22 of said Act and the amendments thereto, are hereby incorporated in and made part of this Act.

Rev. Stat. c. 191. Issue of preferential stock.

15. Notwithstanding any provision to the contrary in any other Act, the company's railway may cross the railway of any other company upon a level therewith, with the consent of such other company or with the authority of the Railway Committee of the Privy Council of Canada; and may cross the railway or tramway of the Canadian Copper Company upon a level therewith with the consent of the Canadian Copper Company or with the authority of the Railway Committee of the Executive Council of Ontario, but without such consent or authority the said railway shall not cross the railway or tramway of the said Canadian Copper Company.

Level crossings.



Preliminary  
expenses.

16. The directors are hereby authorized to pay out of the moneys of the company all fees, expenses and disbursements of and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized.

Exclusive  
electrical fran-  
chise not to be  
granted.

17. Notwithstanding anything contained in this Act or in any Statute of the Province, no municipality shall have the power to grant to said railway any exclusive rights, privileges or franchises as to the transmission of electrical energy for power, light and heat over or across any public highway or street in said municipality.

Time for  
commence-  
ment and  
completion.

18. The railway hereby authorized shall be commenced within three years and put in operation within five years after the passing of this Act, and in default thereof the powers hereby conferred shall absolutely cease with respect to so much of the railway as then remains incomplete.

Incorporation  
of Rev. Stat.  
c. 209.

19. The several clauses of the *Electric Railway Act* and of every Act in amendment thereof shall be incorporated with and be deemed to be part of this Act, and shall apply to the company and to the railway to be constructed by them, except so far only as they may be inconsistent with the express enactments hereof; and the expression "this Act" when used herein shall be understood to include the clauses of *The Electric Railway Act*, and of every Act in amendment thereof so incorporated with this Act.

## CHAPTER 118.

## An Act respecting The Toronto and Mimico Electric Railway and Light Company, Limited.

*Assented to 12th June, 1903.*

**W**HEREAS The Toronto and Mimico Electric Railway Preamble.  
and Light Company, Limited, hereinafter called the  
“Company,” has by petition set forth that the said Company  
has, by virtue of its Charter of Incorporation, constructed  
and is now operating a line of electric railway from a point  
in the City of Toronto, to Long Branch, in the Township of  
Etobicoke, and that it is desirous of extending its railway  
westerly through the Township of Etobicoke, in the County  
of York, the Township of Toronto, in the County of Peel, the  
Townships of Trafalgar and Nelson and the Town of Oakville  
and the villages of Bronte and Burlington in the County of  
Halton, and the Townships of East Flamboro, West Flamboro  
and Saltfleet, in the County of Wentworth, to a point in or  
near the City of Hamilton; and whereas the Company has  
prayed that an Act may be passed changing the name of the  
Company, and authorizing the construction of the extension of  
the said railway, and for all necessary and incidental powers  
relating thereto; and whereas it is expedient to grant the  
prayer of the said petition ;

Therefore His Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario,  
enacts as follows :—

1. The name of the Company is hereby changed to Name of  
company.  
“The Toronto and Mimico Railway Company.”

2. The Company, their servants and agents, are hereby Extension  
of line.  
authorized and empowered to survey, lay out, construct,  
equip, maintain and operate by electricity or any other  
motive power to be approved of by The Railway Committee  
of the Executive Council of Ontario, (except steam) and from  
time to time to alter, remove and change a double or single  
track, iron or steel railway, with all necessary side tracks  
and turn outs for the passage of cars, carriages and other  
vehicles adapted to the same from the present terminus of its  
line at or near Long Branch, in the Township of Etobicoke,  
in the County of York, thence westerly through the Township  
of Etobicoke, in the County of York; the Township of Toron-  
to, in the County of Peel; the Townships of Trafalgar and  
Nelson

Nelson and the Town of Oakville and the villages of Bronte and and Burlington in the County of Halton and the townships of East Flamboro, West Flamboro and Saltfleet, in the County of Wentworth, to a point in or near the City of Hamilton with power to build and operate any part of the said railway in sections as hereinafter set out. The said railway or any part thereof, may be carried along and upon such streets and highways and bridges as may be authorized by the by-laws of the respective corporations owning or having jurisdiction over the same, and subject to the restrictions and provisions therein or herein contained, and under and subject to any agreements hereafter to be made between the said Company and the Councils of any of the said municipal corporations, or any of the said other corporations respectively, subject to the conditions and restrictions contained in this Act, *The Electric Railway Act*, and in *The Municipal Act*, and any Act or Acts amending the same.

Rev. Stat.  
c. 209.

Rev. Stat.,  
c. 223.

Construction  
of extension  
by sections.

3. The Company is hereby authorized and empowered to make the surveys and take the levels of the lands through which the said railway is to pass, and make the map or plan thereof, and of its course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also a statement in accordance with the provisions of section 27 of *The Electric Railway Act*, and to deposit the same as required by the clauses of *The Electric Railway Act*, and amendments thereto, with respect to "plans and surveys" by sections or portions less than the length of the whole railway authorized, of such length as the Company may from time to time see fit, so that no one of such sections or portions shall be less than five miles in length; and upon such deposit as aforesaid of the map or plan and statement of any and each of such sections or portions of the said railway, all and every of the clauses of *The Electric Railway Act*, and the amendments thereof applied to, included in or incorporated with this Act, shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof, and of its whole course and direction, and of the lands intended to be passed over and taken, and the statement of the whole of the said railway had been taken, made, examined, certified and deposited according to the said clauses of *The Electric Railway Act*, and the amendments thereto with respect to "plans and surveys."

Rev. Stat.,  
c. 209.

By-laws ex-  
empting from  
taxation.

4. It shall be lawful for the corporation of any municipality through any part of which the railway of the Company passes, or in which it is situate, by by-law especially passed for that purpose, to exempt the Company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, but not including assess-  
ment



ment or taxation for school purposes, or to agree to a certain sum per annum, or otherwise in gross, by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein.

5. The Council of any Municipality upon the line of the said railway may from time to time by resolution extend the time for the commencement or completion of the railway beyond that stipulated for in any by-law or by-laws granting rights of way over the streets of such Municipality or granting aid by bonus, loan or otherwise, provided that no such extension shall be for a longer period than one year at any one time.

By-laws extending time for commencement or completion.

6. The directors of the Company, under the authority of the shareholders to them given at any special general meeting called for the purpose, at which meeting shareholders representing at least two-thirds in value of the subscribed stock of the Company, and who have paid all calls due thereon are present in person or represented by proxy, may, subject to the provisions in this Act contained, issue bonds, debentures or other securities to the extent of twenty thousand dollars per mile for each and every mile of track of the said railway and extensions and branches; such bonds, debentures or other securities shall be signed by the President or other presiding officer, and countersigned by the Secretary, which counter-signature, and the signature of the coupons attached to the same may be engraved, and such bonds, debentures or other securities may be made payable at such times, and in such manner, and at such place or places in Canada or elsewhere, and may bear such rate of interest, not exceeding six per cent. per annum, as the directors may think proper.

Bonds and debentures.

7. (a) The directors shall issue and sell or pledge all or any of the said bonds, debentures or other securities, at the best price and upon the best terms and conditions which at the time they may be able to obtain for the purpose of raising money for prosecuting the said undertaking.

Sale and pledging of bonds, etc.

(b) No such bonds debentures or other securities shall be for a less sum than one hundred dollars.

(c) Such bonds shall be from time to time issued only in proportion to the length of railway constructed or under contract for construction.

8. The Company may secure such bonds, debentures or other securities, by a mortgage deed creating such mortgages, charges and incumbrances upon the whole of such property

Security of bonds by mortgage.

property, assets, rents and revenues of the Company, present, or future, or both, as are described in the said deed; but such rents and revenues shall be subject in the first instance to the payment of the working expenses of the railway.

(a) By the said deed the Company may grant to the holders of such bonds, debentures or other securities, or the trustees named in such deed, all and every the powers, rights and remedies granted by this Act in respect of the said bonds, debentures or other securities, and all other powers, rights and remedies not inconsistent with this Act; or may restrict the said holders in the exercise of any power, privilege or remedy granted by this Act, as the case may be; and all the rights, powers and remedies so provided for in such mortgage deed shall be valid and binding, and available to the said holders in manner and form as therein provided.

(b) Every such mortgage deed shall be deposited in the office of the Provincial Secretary, of which deposit notice shall be given by the Company in *The Ontario Gazette*.

(c) It shall not be necessary in the exercise of the powers as to mortgaging, and in order to preserve the priority, lien, charge, mortgage or privilege purporting to appertain to or to be created by any bond, debenture or other security issued, or mortgage deed executed under the authority of this Act, that such bond or deed should be registered in any manner or in any place whatsoever, except at the office of the Provincial Secretary, as aforesaid, nor shall it be necessary to comply with the provisions of *The Bills of Sale and Chattel Mortgage Act*, or any Act requiring the registration or renewal of mortgages of chattels; but any mortgage which may be executed by the Company under the powers conferred upon it, shall, upon the same being deposited in the office of the Provincial Secretary, have full force and effect and priority, according to the time of deposit, and shall form a lien and encumbrance upon any personal property or chattels therein embraced, to all intents and purposes, as therein expressed and set forth, as if the provisions of the said *Bills of Sale and Chattel Mortgage Act*, or any Act requiring registration or renewal of mortgages of chattels had been fully complied with.

Rev. Stat. c.  
148.

Bonds and debentures to be preferential lien upon Company.

9. Until they have been surrendered and lawfully cancelled, the bonds, debentures or other securities, hereby authorized to be issued, shall, subject to the rights of the holders of any bonds heretofore issued, be taken and considered to be the first preferential claim and charge upon the Company, and the privileges acquired under this Act and the franchise, undertaking, tolls and income, rents and revenues and real and personal property thereof, at any time acquired, save and except as provided for in the next preceding section.

(a) Each holder of the said bonds, debentures or other securities, shall, until they have been surrendered and lawfully cancelled

cancelled, be deemed to be a mortgagee or incumbrancer upon the said securities *pro rata* with all the other holders; and no proceedings authorized by law or by this Act shall be taken to enforce payment of the said bonds, debentures or other securities, or of the interest thereon, except through the trustee or trustees appointed by or under such mortgage deed.

10. If the Company makes default in paying the principal of or interest on any of the bonds, debentures or other securities, hereby authorized, at the time when the same, by the terms of the bond, debenture or other security, becomes due and payable, then at the next annual general meeting of the Company, and at all subsequent meetings, all holders of bonds, debentures or other securities, so being and remaining in default shall, in respect thereof, have and possess the same rights and privileges and qualifications for being elected directors and for voting at general meetings, as would attach to them as shareholders if they held fully paid-up shares of the Company to a corresponding amount.

Rights of bondholders when default made in payment of funds.

(a) The rights given by this section shall not be exercised by any such holder unless it is so provided by the mortgage deed, nor unless the bond, debenture or other security in respect of which he claims to exercise such rights has been registered in his name, in the same manner as the shares of the Company are registered, at least ten days before he attempts to exercise the right of voting thereon; and the Company shall be bound on demand to register such bonds, debentures or other securities, and any transfers thereof thereafter, in the same manner as shares or transfers of shares.

(b) The exercise of the rights given by this section shall not take away, limit or restrain any other of the rights or remedies to which the holders of the said bonds, debentures or other securities are entitled under the provisions of any such mortgage deed.

11. All bonds, debentures or other securities hereby authorized may be made payable to bearer, and shall in that case be transferable by delivery until registration thereof as hereinbefore provided, and while so registered they shall be transferable by written transfers, registered in the same manner as in the case of the transfer of shares.

Bonds, how transferable.

12. Any lands or chattel property which may have become no longer useful or necessary for the purposes of the Company may be released by the trustees of any mortgage securing the bonds of the Company if a provision for such release is contained in the mortgage, and thereafter such released lands or chattel property shall be held freed and discharged from any lien created by the said mortgage or by any of the Acts relating to the Company in favor of the said bondholders.

Release of lands and chattels from mortgage by trustees.



Right to  
deviate from  
highway.

Proviso.

13. The Company may at any point or points where its railway may run along the highway deviate from such highway to a right of way owned by the Company; provided that no obstruction of such highway shall be made by such deviation, but if the rails on such deviation do not rise above or sink below the surface of the road more than one inch they shall not be deemed an obstruction; provided that the right by this section conferred shall not be exercised by the Company without the consent of the Council of the Municipal Corporation having jurisdiction over the highway or the authority of the Railway Committee of the Executive Council of Ontario, and the said Railway Committee may, on application of the Company, order that the said Company may make such deviation.

Power to  
connect with  
and enter into  
agreements  
with other  
companies.

Proviso.

14. The Company may at any points on or near to its line of railway connect its tracks with the tracks of the Toronto Suburban Railway Company, the Hamilton Street Railway Company, the Hamilton Radial Electric Railway Company, the Hamilton, Grimsby and Beamsville Electric Railway Company, or with the tracks of any of the said companies, and it shall be lawful for the Company to enter into any agreement with any or either of the said railway companies, if lawfully authorized to enter into such an agreement, to amalgamate with, purchase, lease or otherwise acquire the said railways, or any of them, or any part or parts thereof; or to sell and dispose of or lease to any of the said companies the whole or any part of its railway, or to make arrangements with the said companies, or any of them, for the interchange of passenger or freight traffic, or for the use by either company of the property, buildings, plant, material, rolling stock, machinery, appliances or facilities of the other, or for the supply of motive power, heat or light by either company to the other, or any other joint arrangement respecting the running arrangements of the said companies, or any of them, and the conduct of the joint traffic of the companies which may be parties to any such agreement; provided that nothing done under this section shall be valid until the same shall be first authorized by two-thirds in value of the shareholders of the Company at a special general meeting to be held for that purpose, and until the consent of the Councils of the Corporation of the Municipality or Municipalities affected thereby, or the approval of the Railway Committee of the Executive Council of Ontario has first been obtained; but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

Agreements  
with other  
companies to  
be subject to  
approval of  
Railway Com-  
mittee.

15. The authority and power conferred on the Company by this Act to enter into agreements with any other railway company for connections, running arrangements, sale, lease, amalgamation or hiring of the said railway, shall be subject to such

such terms, conditions and regulations as may be provided and enacted by any general or special Act or Acts, which may at the time such agreement is entered into be in force, and to such terms, conditions and regulations, general or special, as the Railway Committee of the Executive Council of Ontario may from time to time order.

16. The several sections of *The Electric Railway Act*, except sections 38, 44, 45, 46, 47, 48, 49, 50, 51, 119, and sub-sections 9, 10, 11 and 12 of section 43, and every Act in amendment thereof shall be incorporated with, and be deemed to be part of this Act, and shall apply to the Company in so far as the extension of the said railway now authorized is concerned, except in so far as they may be inconsistent with the express enactments hereof, and the expression "this Act" when used herein shall be understood to include the sections of the said *Electric Railway Act*, other than the sections hereinbefore excepted, and every Act and amendment thereof so incorporated with this Act.

Application of certain provisions of Rev Stat. c. 209.

17. Notwithstanding anything contained in *The Electric Railway Act* to the contrary the Company may exercise all powers of expropriation provided by the said Act, without the consent of the Council of the Municipality in which the lands sought to be expropriated are situate, and without the certificate of the County Judge, upon obtaining an order from the Railway Committee of the Executive Council of Ontario and the said Railway Committee may, on the application of the Company, order that the Company shall have such powers of expropriation.

Powers of expropriation.

18. Subsection 6 of section 37 of *The Railway Act of Ontario* shall apply to the said Company, but save as aforesaid the said Railway Act shall not apply to the Company, nor to the lines of railway to be constructed and operated by it.

Application of Rev. Stat. c. 207, s. 37, subs. 6.

19. The Company may take, transport, carry and convey goods upon its railway, but no freight or express cars shall be carried along any public highway unless and until the size and number of cars and motors to be used therewith, and the hours of running the same, have been approved by the Railway Committee of the Executive Council of Ontario, nor shall any freight service be operated until authorized and except as directed by the said Railway Committee.

Carrying freight.

20. The Company may, and is hereby empowered to change the gauge of its line of railway heretofore constructed to the standard gauge of four feet, eight and one-half inches, and the extension hereby authorized may be either of the present gauge of the railway heretofore constructed, or of the gauge of four feet, eight and one-half inches.

Changing gauge.

Contracts for  
constructing.

**21.** The directors may enter into a contract or contracts with any individual, corporation or association of individuals for the construction or equipment of the railway, or any part thereof, including or excluding the purchase of right of way, and may pay therefor either in whole or in part, either in cash or bonds, or in paid up stock, and may pay or agree to pay in paid up stock or in bonds of the said Company such sums as they may deem expedient to engineers, or for the right of way or material, plant or rolling stock, and also for the services of the promoters and other persons who may be employed by the directors for the purpose of assisting the directors and furthering the undertaking, or for the purchase of right of way, material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not, provided that no such contract shall be of any force or validity unless first authorized by resolution passed by the votes of the shareholders in person, or by proxy representing two-thirds in value of the whole amount paid up of the total capital stock of the Company then issued, and outstanding, at a general meeting of the shareholders specially called for that purpose, and the stock so acquired by any person shall for all purposes be deemed to be paid up in cash.

Stations and  
stopping  
places.

**22.** Stopping points or stations shall be designated and erected by the Company at such point or points along the line of railway hereby authorized as may be agreed upon between the Company and the municipality; and in the event of any disagreement as to such stopping places or stations their number and position shall be as ordered by the Railway Committee of the Executive Council of Ontario; and any municipality may grant to the Company the right to erect any shelter or shelters, steps and platforms for the convenience of passengers using the said railway, upon the highway of the said municipality traversed by the railway; provided that no such shelter, steps or platform shall be constructed so as to encroach upon the travelled portion of the highway and the operation of the whole of the said railway shall be subject to any regulations or orders from time to time made by the said Railway Committee, and the said Railway Committee are hereby empowered to make such regulations.

Proviso.

Rates for per-  
ishable goods.

**23.** The Company may make uniform special rates for the carriage of fruits, milk, and other perishable freight.

Time for com-  
mencement  
and comple-  
tion.

**24.** The undertaking hereby authorized shall be commenced in one year, and put in operation within two years after the passing of this Act, and in default thereof the powers hereby conferred shall absolutely cease with respect to so much of the railway as then remains incomplete.

Exclusive  
franchise not  
to be granted.

**25.** Notwithstanding anything contained in this Act or in any Statute of the Province, no Municipality shall have power



power to grant to the said railway any exclusive rights, privileges or franchises as to the transmission of electrical energy for power, light and heat over or across any public highway or street in the said municipality.

**26.** No order or direction under this Act shall be made by the Railway Committee of the Executive Council of Ontario except after 10 days' notice in writing to the Clerk of the Municipality or to the Company of the application made to the said Committee.

Notice of proceedings before Railway Committee.

**27.** The Company shall not increase the fares now charged by it from the City of Toronto to Long Branch and intermediate points, or from Long Branch to the said city and intermediate points without the consent of and as directed by the Railway Committee of the Executive Council of Ontario.

Fares on present line.

**28.** The provisions of sections 1 and 2 of an Act passed in the first year of the reign of His Majesty, chaptered 25, and entitled *An Act to amend The Street Railway Act* shall apply to the said Company.

Application of 1 Edw. VII. c. 25, ss. 1, 2.

**29.** The Company may deviate from its right of way within the limits of the City of Toronto to the north from their present line of railway for the purpose of connecting its tracks with the tracks of the Grand Trunk Railway Company at or near Swansea, and also for the purpose of running its said tracks to a station or terminal grounds north of its present tracks and south of the Grand Trunk Railway tracks, and west of the present easterly terminus of the line of the Company and not otherwise; such deviations shall be subject to the approval of the Railway Committee of the Executive Council of Ontario.

Right to deviate in City of Toronto.

**30.** Nothing herein contained except sections 1, 6, 7, 8, 9, 10, 11, 12, 18, 19, 20, 23, 25, 26, 27, 28 and 29 shall apply to the Company or the undertaking within the limits of the City of Toronto unless with the consent and approval by by-law of the Municipal Council of the said city.

Certain sections of Act not to apply in City of Toronto.

**31.** Nothing in this Act contained shall be construed to extend the time limited by any existing agreement for franchise rights with any municipality.

Existing agreements not affected.

## CHAPTER 119.

## An Act respecting Canadian Oil Fields, Limited.

*Assented to 22nd May, 1903.*

## Preamble.

WHEREAS the Petrolea Crude Oil and Tanking Company, and Canadian Oil Fields, Limited, have by petition represented that by an Act passed in the 42nd year of the Reign of Her late Majesty Queen Victoria, chaptered 82, certain powers, rights and privileges were conferred upon The Petrolea Crude Oil and Tanking Company, a company incorporated under *The Ontario Joint Stock Companies Letters Patent Act 1874*; and whereas The Petrolea Crude Oil and Tanking Company is a valid and subsisting company and is and has been in actual operation ever since its incorporation; and whereas The Petrolea Crude Oil and Tanking Company by virtue of the powers on it conferred has laid down great quantities of pipe lines throughout the County of Lambton for the transportation of crude and refined petroleum; and whereas The Petrolea Crude Oil and Tanking Company has sold, conveyed, transferred and assigned all its assets including the powers by the above recited Act conferred, to Canadian Oil Fields, Limited, a company incorporated under the *Imperial Companies Acts 1862 to 1900*, and duly licensed by the Province of Ontario to carry on business within the Province, including the business heretofore carried on by The Petrolea Crude Oil and Tanking Company; and whereas the said companies have prayed that an Act may be passed to confirm and validate the said transfer and assignment to Canadian Oil Fields, Limited, of the powers, rights and privileges by the above recited Act conferred upon The Petrolea Crude Oil and Tanking Company; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Transfer from  
the Petrolea  
Crude Oil and  
Tanking Co.,  
to Canadian  
Oil Fields,  
Limited,  
confirmed.

1. The assignment by The Petrolea Crude Oil and Tanking Company to Canadian Oil Fields, Limited, set forth as a Schedule to this Act is legalized and confirmed, and Canadian Oil Fields, Limited, in addition to its present powers may exercise and enjoy all the powers, rights and privileges conferred upon The Petrolea Crude Oil and Tanking Company, Limited, by the Act passed in the 42nd year of the Reign of Her late Majesty Queen Victoria, chaptered 82.

SCHEDULE.

## SCHEDULE.

THIS INDENTURE OF ASSIGNMENT made in duplicate this first day of May, in the year of our Lord, 1902, between The Petrolia Crude Oil and Tanking Company, Limited, hereinafter called the parties of the first part, and Canadian Oil Fields, Limited, hereinafter called the parties of the second part.

Whereas the Petrolia Crude Oil and Tanking Company, Limited, a Company incorporated under *The Ontario Joint Stock Companies' Letters Patent Act, 1874*, have been carrying on the business of purchasing or leasing Petroleum oil wells and oil lands and testing for, pumping, producing, buying, selling, piping, tanking and warehousing such oil and transacting all business relating to petroleum oil and its products and establishing, erecting and maintaining all necessary premises, building works and appliances for the proper working and carrying on of the said business.

And whereas under and by an Act of the Legislature of the Province of Ontario passed in the session thereof held in the forty-second year of the reign of Her late Majesty Queen Victoria and intituled *An Act to give further powers to the Petrolia Crude Oil and Tanking Company*, the parties of the first part were granted among other powers, the right to lay beneath the ground a continuous pipe or pipes between all or any of certain points in the County of Lambton in the said Act mentioned, for the purpose of carrying along or through the said pipe or pipes the crude oils distillate or refined oils of petroleum from place or places of its production and manufacture in the said County of Lambton, to certain points in said Act mentioned in the said County of Lambton, with powers to erect, maintain, operate and carry on all tanks, reservoirs, engines, machinery, houses and erections and all other matters and things whatsoever necessary or expedient for the said undertaking as set forth in said Act.

And whereas the Canadian Oil Fields, Limited, a Corporation incorporated under the laws of the Imperial Parliament of Great Britain and Ireland has under an Act intituled *An Act respecting the licensing of Extra Provincial Corporations*, been granted a license by the Lieutenant-Governor of the Province of Ontario in Council to carry on among other businesses the following business, that is to say :—To purchase, lease, license or otherwise acquire any petroleum or oil bearing lands or any other interest in any such lands or any rights of or connected with the getting or winning of any petroleum or other oil and to sink wells, to make borings and otherwise to search for and get petroleum and other mineral oils and products thereof and to warehouse and transport crude and refined petroleum by means of pipe-lines. And to apply for, obtain and acquire, by purchase or otherwise, among other things Letters Patent, Licenses, Protections, Concessions, grants and authorities for or in respect of exclusive and non-exclusive privileges and rights relating to all or any of the businesses or operations of the Canadian Oil Fields, Limited, or any benefit or interest therein, in any manner and on any terms, and to unite and absorb into the Canadian Oil Fields, Limited any other company or the members of any other company having objects similar, analagous or subsidiary to any of the objects of the Canadian Oil Fields, Limited, or carrying on any business capable of being conducted so as directly or indirectly to benefit the said Canadian Oil Fields, Limited.

And whereas the parties of the first part have this first day of May sold to the parties of the second part all the real estate, lands, tenements, hereditaments and appurtenances belonging thereto, the oil wells, oil well plant and machinery of whatever nature and kind situate thereon, together with all the underground fire-proof tankage and the iron pipe lines laid underground and generally all the land, premises, underground



tanks, oil wells, plant and chattel property of the parties of the first part, together with the whole of the goodwill of the parties of the first part, and the right title and interest in any Act of Parliament, Concessions, Letters Patent, Contracts and other instruments conferring any privilege, power or advantage, commercial or otherwise, in connection with the business of the said parties of the first part.

Now therefore this indenture witnesseth that for and in consideration of the sum of fifty thousand dollars paid by the said parties of the second part to the said parties of the first part, the said parties of the first part do hereby grant, assign, transfer and set over unto the said parties of the second part, all the rights, interests, powers and privileges granted or conferred upon or possessed by the said parties of the first part under and by virtue of the Letters Patent granted to them by the Lieutenant-Governor of the Province of Ontario in Council on the 12th day of December, 1874, and under and by virtue of any and all Acts of the Legislature of the Province of Ontario granting powers or privileges or any rights whatever to the said parties of the first part and particularly all the rights, interests, powers and privileges granted or conferred upon or possessed by the said parties of the first part under and by virtue of an Act of the Legislature of the Province of Ontario, (42 Vic. Cap. 82, 1879), intituled *An Act to give further powers to the Petrolia Crude Oil and Tanking Company*.

And the said parties of the first part do hereby grant and assign to the said parties of the second part all the rights, interests, powers and privileges which they the said parties of the first part have heretofore acquired or might have acquired or may or might hereafter acquire by virtue of said Act, and generally all the right, title, interest, property, benefit, claim and demand whatsoever both at law and in equity or otherwise howsoever vested in them the said parties of the first part under the said Act, and to take and do all such matters and things as fully and effectually as if the parties of the second part were the original receivers of such powers, in place of the said parties of the first part.

In witness whereof the said Petrolia Crude Oil and Tanking Company, Limited, has hereunto affixed its Corporate Seal attested by the signature of the President of said Company.

THE PETROLIA CRUDE OIL AND TANKING COMPANY, LIMITED.

CHARLES JENKINS, President.

[Seal.]

## CHAPTER 120.

## An Act respecting The Colonial Portland Cement Company, Limited.

*Assented to 12th June, 1903.*

**W**HEREAS The Colonial Portland Cement Company, Preamble.  
 Limited, has by its petition represented that the said Company is about to place and erect its plant and works at Colpoy's Bay, in the Township of Keppel, in the County of Grey, and has also acquired clay and marl deposits situate on lot number eleven, in the twenty-second concession in the said township, and on lot twenty-three in the twenty-first concession of the said township, and that its said plant and works cannot be properly operated nor its business successfully conducted unless the said company is authorized and permitted to construct a tramway from its said plant and works to its said clay and marl deposits, and are granted the powers conferred on mining companies by the provisions of chapter 198 of the Revised Statutes of Ontario; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Colonial Portland Cement Company, Limited, is hereby authorized and empowered, subject to the restrictions Location of tramway. and provisions of section 37 of Chapter 209 of the Revised Statutes of Ontario, to survey, construct and keep in repair, and operate an iron or steel tramway, with double or single iron or steel tracks, and with the necessary branches, switches, side tracks and turnouts from their plant and works, situate on Colpoy's Bay, in the Township of Keppel, thence in an easterly direction to their clay and marl deposits on lot number eleven in the twenty-second concession of the said township, and thence easterly to their clay and marl deposits on lot number twenty-three in the twenty-first concession of the said township.

2. All rights and privileges conferred upon the proprietors of any mine in Ontario under the provisions of section 1 of Chapter 198 of the Revised Statutes of Ontario, and entitled, *An Act respecting the Construction of Roads by Mining Companies*, are hereby conferred upon the said Company for the purpose of enabling the said Company to construct and maintain and operate the said tramway. Application of Rev. Stat., c. 198.

CHAPTER

## CHAPTER 121.

## An Act respecting The Elgin Loan and Savings Company.

*Assented to 22nd May, 1903.*

## Preamble.

WHEREAS The Elgin Loan and Savings Company herein- after referred to as the Provincial Company was incorporated on the 21st day of April, 1879, under *The Building Societies' Act*, being chapter 64 of the revised statutes of Ontario, 1877; and whereas The Elgin Loan and Savings Company, Limited, hereinafter referred to as the Dominion Company, was incorporated by letters patent under the great seal of the Dominion of Canada, dated the 5th day of October, 1902, issued under *The Loan Companies Act of Canada*, 1899, being 62-63 Victoria, chapter 41, by which letters patent it was provided that the said Dominion Company might take over the assets and business of the said Provincial Company; and whereas the said Provincial Company duly executed a certain indenture dated the 28th day of February, 1903, subject to the validating thereof by the Legislative Assembly of the Province of Ontario (of which indenture a true copy is set out in the schedule to this Act) whereby the said Provincial Company provisionally granted, assigned, transferred and set over unto the said Dominion Company, its successors and assigns, all the assets, rights, credits, effects, and property, real, personal, and mixed, of whatsoever kind, and wheresoever situate, belonging to the Provincial Company, or to which it was, or might be, or become entitled; and whereas the said Dominion Company similarly executed the said indenture, and therein covenanted and agreed with the said Provincial Company, its successors and assigns to pay, discharge, carry out, and perform all the debts, liabilities, obligations, contracts and duties for or in respect of which the Provincial Company was then or might thereafter become liable to pay, discharge, carry out, or perform, and therein further covenanted and agreed to indemnify and save harmless the said Provincial Company in respect thereof; and whereas the said Provincial Company has prayed that the said indenture shall be validated and confirmed, and that all the property and assets of the said Provincial Company shall be vested in the said Dominion Company; and whereas it is expedient to grant the prayer of the said petition:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—



1. The said indenture bearing date the 28th day of February 1903 (a copy of which is set out in the schedule to this Act) is hereby validated and confirmed as from the passing of this Act, and shall as from the passing hereof have the effect of granting, assigning, transferring and setting over unto the said Dominion Company, its successors and assigns, to its and their own use absolutely all the assets, interests, rights, credits, effects, and property, real, personal, and mixed, of whatsoever kind and wheresoever situate, of or belonging to the said Provincial Company or to which the said Provincial Company is or shall hereafter be or become entitled.

Indenture confirmed.

2. On and from the passing of this Act all the assets, interests, rights, credits, effects, and property, real, personal, and mixed, of whatsoever kind and wheresoever situate, belonging to the said Provincial Company, or to which it is or may be or become entitled, shall be, and the same are hereby transferred to and vested in the said Dominion Company, its successors and assigns, to its and their own use absolutely for all the estate, right, title, interest, claims, properties, and demands which the said Provincial Company had or was entitled to have at the date of the passing of this Act, or to which the said Provincial Company may hereafter at any time be or become entitled, and the said Dominion Company shall have and is hereby empowered to exercise all the powers, rights, and privileges in relation to the said assets, interests, rights, credits, effects, and property, real, personal, and mixed, of whatsoever kind and wheresoever situate, as the said Provincial Company had or might have had, and no suit, action, or proceeding being carried on or power being exercised shall be discontinued or abated by or on account of this Act, but the same may be continued in the name of the said Provincial Company, and the said Dominion Company shall have the same rights and remedies, and be subject to the same liabilities and duties, and shall pay and receive the like costs as if the suits, actions, or proceedings had been commenced or defended in the name of the said Dominion Company.

Assets of Provincial Company vested in Dominion Company.

3. The said Dominion Company shall by virtue hereof upon due application be admissible to registry under *The Loan Corporations Act* on the loan companies register for the unexpired portion of the then current registry year, and the said Provincial Company shall as from the registration of the said Dominion Company cease to do business and cease to be registered under the said Act.

Dominion Company to be registered. Rev. Stat., Chap. 205.

4. Nothing in this Act shall impair or affect the rights of any creditor of the said Provincial Company or of the said Dominion Company, and any person having any claim, demand, right, cause of action or complaint against the said Provincial Company or to whom the said Provincial Company is under any liability, obligation, contract or duty, shall have the same rights

Rights of creditors not impaired.

Proviso.

rights and powers with respect thereto and to the collection and enforcement thereof from and against the said Dominion Company, its directors and shareholders as such person has against the said Provincial Company, its directors and shareholders. Provided that all duties and obligations entered upon or undertaken after the passing of this Act shall be deemed to be duties and obligations of the said Dominion Company and not of the said Provincial Company. Provided, however, that all liability whatsoever upon or in respect of the unpaid portion of the partly paid up shares of the capital stock of the said Provincial Company shall by mere effluxion of time be reduced by five equal annual amounts at the end of one, two, three, four and five years respectively from the 31st day of December, 1903, so that at the end of the said fifth year all liability whatsoever upon or in respect of the unpaid portion of said partly paid-up shares shall be absolutely extinguished; but no such annual reduction shall take effect unless and until such of the liabilities of the said Provincial Company as shall have matured, up to the time when application is made for such a certificate as is next hereinafter mentioned, shall have been discharged by the said Dominion Company and proof of the same given to the satisfaction of the Registrar of Loan Corporations, who shall have authority thereupon to issue his certificate to the effect that all liability whatsoever upon or in respect of the unpaid portion of the partly paid-up shares of the capital stock of the said Provincial Company has been reduced or extinguished (as the case may be) as set forth in his certificate, and his certificate shall be final and conclusive as to the matter certified to therein.

Registration  
of Instruments

Rev. Stat.  
c. 138.

Rev. Stat.  
c. 136.

Rev. Stat.  
c. 148.

5. For the purposes of *The Land Titles Act* or of registration under *The Registry Act* or of *The Bills of Sale and Chattel Mortgage Act* or any other Act of this Province it shall be sufficient, in order to show the transmission of title from the Provincial Company to the Dominion Company, if any instrument affecting lands or interests in lands or personal property or interests in personal property included or intended to be included in the indenture set out in the schedule to this Act recite or mention the title of this Act and the Chapter and Statute year in which this Act was passed.

#### SCHEDULE.

This Indenture made in triplicate this 28th day of February, 1903, between The Elgin Loan and Savings Company, hereinafter called the Provincial Company, of the first part and The Elgin Loan and Savings Company, Limited, hereinafter called the Dominion Company, of the second part.

Whereas the said Provincial Company is a corporation duly incorporated under *The Building Societies' Act*, being chap. 164 of the Revised Statutes of Ontario, 1877, and stands registered under *The Loan Corporations Act* on the Loan Companies Register.

And

And whereas the said Dominion Company is a corporation duly incorporated by Letters Patent issued under *The Loan Companies Act of Canada*, 1899, being 62-63 Vict. chapter 41.

And whereas it is provided by the said Letters Patent that the said Dominion Company may take over the assets and business of the said Provincial Company ;

And whereas the terms and conditions upon which the said Dominion Company has agreed to take over the assets and business of the said Provincial Company are as hereinafter set forth ;

And whereas the said terms and conditions have been duly adopted by the board of directors of each of the said companies and have been approved, ratified and confirmed by a general meeting of the shareholders of each of the said companies ;

And whereas it is necessary that this indenture or conveyance and the transfer thereby purporting to be made should be validated and confirmed by the Legislature of the Province of Ontario.

Now therefore this indenture witnesseth that the parties hereto do hereby agree each with the other as follows, that is to say :—

#### ARTICLE 1.

Upon the validation and confirmation hereof by the passing of an Act in that behalf by the Legislature of the Province of Ontario, this indenture shall *ipso facto* come into effect, and shall, as from the said passing, have the effect of granting, assigning, transferring and setting over unto the said Dominion Company, its successors and assigns, to its and their own use absolutely, all the assets, interests, rights, credits, effects and property, real, personal and mixed, of whatsoever kind and wheresoever situate, of or belonging to the said Provincial Company, or to which the said Provincial Company is or shall hereafter be or become entitled.

#### ARTICLE 2.

On and from the passing of the said Act, all the assets, interests, rights, credits, effects and property, real, personal and mixed of whatsoever kind, and wheresoever situate, belonging to the said Provincial Company, or to which it is or may be or become entitled, shall be transferred to and vested in the said Dominion Company, its successors and assigns, to its and their own use absolutely, for all the assets, rights, title, interests, claims, properties and demands which the said Provincial Company has, or is entitled to, or to which the said Provincial Company may hereafter at any time be or become entitled, and the said Dominion Company shall be entitled to exercise all the powers, rights, and privileges in relation to the said assets, interests, rights, credits, effects and property, real, personal and mixed, of whatsoever kind and wheresoever situate as the said Provincial Company has or might have.

#### ARTICLE 3.

No suit, action or proceeding by or against the said Provincial Company shall be discontinued or abated by or on account of the said grant, assignment and transfer, but shall continue as if this indenture had not been made, and the said Dominion Company shall pay or receive like costs as if the action, suit or proceeding had been commenced or been defended in the name of the said Dominion Company.

#### ARTICLE 4.

On and from the passing of the said Act, the creditors of the said Provincial Company shall be to all intents and purposes creditors of the said Dominion Company, and shall have the same rights and remedies against the said Dominion Company as they would have had against the said Provincial Company had this indenture not been made, or the said Act had not been passed. The said Dominion Company hereby covenants  
and



and agrees with the said Provincial Company, its successors and assigns to pay, discharge, carry out and perform all the debts, liabilities, obligations, contracts and duties for or in respect of which the said Provincial Company is or might hereafter become liable to pay, discharge, carry out and perform, and the said Dominion Company hereby further covenants and agrees with the said Provincial Company, its successors and assigns to indemnify and save harmless the said Provincial Company, its directors and shareholders or any of them, from every such debt, liability, obligation, contract and duty.

#### ARTICLE 5.

The consideration of the said grant, assignment and transfer shall be approximately the sum of \$237,036.86. The said consideration shall be paid and satisfied by the issue to the individual shareholders of the said Provincial Company of the capital stock of the said Dominion Company (being \$312,500 divided into 12,500 shares of the par value of \$25 each) as follows:—One fully paid-up share of the capital stock of the said Dominion Company shall be issued as aforesaid for each share of the capital stock of the said Provincial Company now held by any shareholder of the said Provincial Company, upon which share the sum of \$25 has been paid to the said Provincial Company, and, in case of shares of the capital stock in the said Provincial Company upon which a less amount than \$25 per share has been paid to the said Provincial Company, there shall be issued to the holder of such last mentioned share the same number of partly paid shares of the capital stock of the said Dominion Company, upon which there shall be credited per share the full amount paid by such shareholder to the said Provincial Company, and such shareholder shall be liable to pay to the said Dominion Company after calls duly made by the said Dominion Company upon such partly paid shares, the difference between the amount so credited on each partly paid share and the par value of such share. Provided that no single call upon such partly paid shares of the capital stock of the said Dominion Company shall exceed ten per cent. of the par value thereof, and that six months at least shall elapse between any two successive calls.

#### ARTICLE 6.

The said Provincial Company shall from the registration of the said Dominion Company under *The Loan Corporations' Act* of Ontario cease to do business.

#### ARTICLE 7.

A duplicate original of this indenture, together with a schedule of the shareholders of the said Dominion Company, showing the name and address of each of the said shareholders and the amount of the capital stock of the said Dominion Company held by each and the amount credited thereon pursuant to Article 5 of this indenture, shall be filed by the said Dominion Company in the office of the Registrar of Loan Corporations for the Province of Ontario forthwith after the passing of the Act validating and confirming this indenture.

In witness whereof the said Provincial Company and the said Dominion Company have hereunto affixed their respective corporate seals by the hands of their proper officers.

Signed, sealed and delivered  
in the presence of

(Sgd.) KATIE COLEMAN.

{ (Sgd.) JNO. BAIRD,  
President. [Seal.]  
(Sgd.) GEO. ROWLEY,  
Manager.

(Sgd.) JNO. BAIRD,  
President.  
(Sgd.) GEO. ROWLEY, [Seal.]  
Manager.

CHAPTER

## CHAPTER 122.

An Act respecting The Hamilton Electric Light and Cataract Power Company ( Limited ) and The Hamilton Cataract, Power, Light and Traction Company ( Limited ).

*Assented to 22nd May, 1903.*

**W**HEREAS The Hamilton Electric Light and Cataract Power Company ( Limited ) and The Hamilton Cataract Power, Light and Traction Company ( Limited ) have by petition prayed that an Act may be passed confirming the Letters Patent of Incorporation of the latter Company and a certain agreement between the said two companies and the shareholders of the former Company and conferring certain powers upon the latter Company ; and whereas the said Petitioners in and by the said petition have also asked that a certain agreement between the Corporation of the Township of Grantham and The Hamilton Electric Light and Cataract Power Company ( Limited ), bearing date the 21st day of February, 1903, and the by-law therein mentioned, passed by the Corporation of the Township of Grantham, dated the 31st day of January 1903, should be confirmed ; and whereas it is expedient to grant the prayer of the said petition ;

Preamble.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows :—

1. The Letters Patent of Incorporation of The Hamilton Cataract, Power, Light and Traction Company ( Limited ), hereinafter called the “ New Company ” bearing date the 5th day of February 1903, are confirmed.

Incorporation of Hamilton Cataract, Power, Light and Traction Co. Ltd. confirmed.

2. The said agreement between the Corporation of the Township of Grantham and The Hamilton Electric Light and Cataract Power Company ( Limited ) bearing date the 21st day of February 1903, and the by-law of the Corporation of the Township of Grantham passed on the 31st day of January 1903, both of which are set forth in Schedule A hereto, are hereby ratified and confirmed and declared to be in all respects legal and binding.

Agreement between Township of Grantham and Hamilton Electric Light and Cataract Power Co. Ltd confirmed.

3. The said agreement between The Hamilton Electric Light and Cataract Power Company Limited, hereinafter called

Agreement between Old and New Companies confirmed.

Proviso.

called the "Old Company," of the first part, the shareholders of the said company who executed said agreement, of the second part, and The New Company, of the third part, set forth in Schedule B hereto, is hereby ratified and confirmed and declared to be in all respects legal and binding; and the parties thereto are hereby authorized and required to observe and carry out the same; and the whole of the assets and properties real, personal and mixed, rights, contracts, credits and effects, franchises, privileges and powers, statutory or otherwise of the Old Company of whatsoever kind and wheresoever situated, as the same may exist on the date of the passing of this Act, shall be and are hereby transferred to and vested in the New Company; and the New Company shall have the right to exercise and enjoy all rights, contracts powers, franchises and privileges, statutory or otherwise heretofore possessed by the Old Company, as fully and to the same extent as the Old Company could have exercised and enjoyed the same if the said transfer had not taken place; Provided always that the rights of bondholders or other creditors of the Old Company, or of all persons having any claims or demands against that company, or any lien, charge, or security upon any of its properties or assets, shall not be prejudiced by this Act or by the said agreement, or by the carrying out of the same or of any part thereof, but the same shall remain and may be enforced as if the said agreement had not been made or as if this Act had not been passed; provided also that the New Company is hereby authorized to issue as fully paid up an amount of its common stock not exceeding in all \$200,000 to purchasers of bonds by way of bonus in connection with such purchase.

Rev. Stat. c.  
207, ss. 9, 10,  
13-20 to apply  
to new  
company.

4. Section 6, sub-sections 1 to 18 both inclusive of section 9, section 10, and sections 13 to 20, both inclusive of *The Railway Act of Ontario* and all other powers in *The Railway Act of Ontario*, respecting or incidental to the taking of lands without the consent of the owners thereof, in so far as applicable, and when not inconsistent with this Act or the powers conferred by the letters patent of incorporation of the Companies, shall apply to the New Company and its undertakings; and (a) whenever in the said sections the word "company" occurs it shall mean the New Company; (b) whenever in the said sections the word "railway" occurs it shall, unless the context otherwise requires with respect to the provisions of this Act and to the New Company, mean the canals, raceways, dams, docks, sluices, conduits, aqueducts and other works and accessories authorized to be constructed by an Act passed in the sixty-first year of the reign of Her Majesty Queen Victoria, chapter 68, and entitled "An Act respecting The Cataract Power Company of Hamilton, Limited," or by this Act or by the charters of incorporation and amendments thereto of the Old Company and of the New Company; and the New Company shall be subject to and shall observe



observe the provisions of said Act 61 Victoria, chapter 68, and of any other Act relating to the Old Company as if the same had been passed with respect to the New Company ; and (c) whenever in the said sections of *The Railway Act* the word "land" occurs it shall include any privilege or easement required by the New Company for constructing or operating the works authorized by the said Act, 61 Victoria, chapter 68 Ontario, or by this Act or by the charters of incorporation of the said companies or either of them or amendments thereto, on, over or along any land without the necessity of acquiring a title in fee simple ; and any map or plan which the New Company may be required to make, or to have examined, certified or deposited under the provisions of section 10 of *The Railway Act of Ontario* so far as any privilege or easement is concerned shall only require to show the land over which, or in connection with which, such privilege or easement is to be enjoyed, and on any such map or plan shall be endorsed a short description of such easement or privilege.

5 Nothing herein contained shall affect or diminish the rights or powers of any Municipal Corporation under any existing by-law or agreement or give the Company any greater rights or powers as between them and the said Municipal Corporation than were possessed by the Old Company before the passing of this Act, or shall take away or affect any right of action (if any) for damages or compensation of any person whose property has been or may hereafter be injuriously affected by the exercise of the rights or powers of the Company, or by the construction or operation of the Company's works.

Existing  
rights pre-  
served.

## SCHEDULE A.

THIS AGREEMENT made the 21st day of February, 1903. BETWEEN :  
The Hamilton Electric Light and Cataract Power Company,  
hereinafter called the "Company," of the first part, and the  
Corporation of the Township of Grantham in the County of Lincoln hereinafter called the "Corporation," of the second part.

In pursuance of by-law No. 129, passed by the Grantham Township Council on the 31st day of January, 1903, and a copy of which is hereto annexed :

It is hereby agreed between the Company and the Corporation as follows :

1. The taxes payable to the said Corporation annually by the said Company for five years from 1902 to 1906, both inclusive shall be and are hereby commuted and fixed at the sum of \$1,000 ; for each of the said years, for five years from 1907 to 1911, both inclusive, at the sum of \$1,000 ; for each year ; for five years from 1912 to 1916, both inclusive, at the sum of \$1,375.00 ; for each year ; and for five years from 1917 to 1921 both inclusive, at the sum of \$1,500.00 for each year.

2. The several amounts hereinbefore mentioned shall be annually paid by the Company and accepted by the said Corporation as payment in full  
of

of all taxes payable by the said Company to the said Corporation, and no greater amounts shall be payable or levied upon or in respect of the property of the Company consisting of such part or parts of lots 21 in the 10th Concession in the said Township of Grantham which is now or may hereafter during the said periods of time be owned by the said Company, and the power house or other buildings which are now or may be during the said periods built or erected on said lot and all machinery, plant and apparatus or property of whatsoever nature or description which may be installed or placed therein or connected therewith or on any part of the said lands, as well as the poles and wiring or transmission lines of the said Company within the said Township of Grantham and all other property of the said Company of every nature or kind whatsoever ; but not the dwelling houses or lands used in connection therewith of any of the officers or foremen of the said Company, which shall be assessed and on which taxes shall be paid in the ordinary manner in addition to the amount fixed by this by-law. The said amounts hereby fixed by way of commutation as set forth in paragraph 1 of this agreement shall be in full of all municipal rates general or special, including school rates and statute labor.

3. The said commuted taxes shall be payable and payment thereof may be demanded and enforced at the times, and in like manner as if such taxes were based on assessment of the property of said Company in the usual way.

4. The provisions of this agreement shall apply to the successors or assigns of the said Company, and the word "Company" wherever the same occurs in this agreement shall mean and include the said Company, its successors and assigns.

5. It is hereby stipulated and provided that the said Corporation will join with the said Company in an application to the Legislative Assembly of the Province of Ontario for legislation confirming the by-law of this agreement ; but it is also hereby provided that the said Corporation shall not bear or be put to any expenses or costs in connection with such legislation, but that such costs and expenses shall be borne and paid by the said Company.

6. If any question as to the amount of school rates to be paid by the township to the school section should arise by reason of any contention that the assessment of the Company is too low and an award is made increasing said assessment for school purposes, then the Company shall pay to the Corporation for such school purposes the amount accruing from such increase.

In witness whereof, the parties hereto have hereunto affixed their Corporate Seals under the hands of their properly qualified officers.

Signed, sealed and delivered in the presence of	{	(Sgd.) J. M. GIBSON,	[Seal.]
		President.	
		(Sgd.) WM. C. HAWKINS,	
		Secretary.	
		(Sgd.) JOHN SCOTT,	[Seal.]
		Reeve.	
		(Sgd.) L. S. BESSEY,	
		Clerk,	

#### BY-LAW No. 129.

A By-Law respecting the taxes payable by The Hamilton Electric Light and Cataract Power Company, Limited.

Whereas negotiations have taken place between The Hamilton Electric Light and Cataract Power Company, Limited, (hereinafter called the Company)

Company) and the Corporation of the Township of Grantham, respecting the amount at which the property of the Company should be assessed and the amount of taxes paid thereon, and in view of the difficulty of arriving at a definite and mutually satisfactory basis or figure of value for assessment purposes by reason of the nature of the property—the same consisting mainly of the power house of the Company and the plant and apparatus therein contained, situated on part of lot 21 in the 10th concession of the said township—and also, by reason of questions arising as to whether portions of the said property are assessable as real estate or personality ;

And whereas the said Company proposes making some additions to the said power house and to the plant and apparatus therein ;

And whereas the commuted sums hereinafter mentioned are considered a fair and reasonable settlement, and it appears to be in the interest of the said Corporation of Grantham to make settlement with the said Company as hereinafter set forth.

Be it therefore enacted by the Municipal Council of the Corporation of Grantham, as follows :—

1. The amount of taxes payable to the said Corporation annually by the said Company for five years from 1902 to 1906, both inclusive, are hereby commuted and fixed at the sum of \$1,000.00, for each of the said years ; for five years from 1907 to 1911, both inclusive, at the sum of \$1,000.00 for each year ; for five years from 1912 to 1916, both inclusive, at the sum of \$1,375.00 for each year ; and for five years from 1917 to 1921, both inclusive, at the sum of \$1,500.00 for each year.

2. The several amounts hereinbefore mentioned shall be annually paid by the Company and accepted by the said Corporation as payment in full of all taxes payable by the said Company to the said Corporation and no greater amounts shall be payable or levied upon or in respect of the property of the Company, consisting of such part or parts of lot 21 in the 10th concession of the said Township of Grantham which is now or may hereafter during the said periods of time be owned by the said Company and the power house or other buildings which are now or may be during the said periods built or erected on the said lot and all machinery, plant and apparatus or property of whatever nature or description which may be installed or placed therein or connected therewith, or on any part of the said lands, as well as the poles and wiring or transmission lines of the said Company within the said Township of Grantham, and all other property of the said Company of every nature or kind whatsoever, but not the dwelling houses or lands used in connection therewith of any of the officers and foremen of the said Company, which shall be assessed and on which taxes shall be paid in the ordinary manner in addition to the amount fixed by this by-law. The said amounts hereby fixed by way of commutation as set forth in paragraph 1 of this by-law shall be in full of all municipal rates, general or special, including school rates and statute labor.

3. The said commuted taxes shall be payable, and payment thereof may be demanded and enforced at the times and in like manner as if such taxes were based on assessment of the property of the said Company in the usual way.

4. The provisions of this by-law shall apply to the successors or assigns of the said Company, and the the word "Company," wherever the same occurs in this by-law, shall mean and include the said Company, its successors and assigns.

5. If the said Company shall, within thirty days after the passing of this by-law, enter into an agreement with the said Corporation for payment of the said amounts of taxes hereinbefore set forth according to the terms of this by-law, it is hereby stipulated and provided that the said Corporation will join with the said Company in an application to the Legislative Assembly of the Province of Ontario for legislation confirm-  
ing



ing this by-law and the said agreement ; but it is also hereby provided that the said Corporation shall not bear or be put to any expense or costs in connection with such legislation, but that such costs and expenses shall be borne and paid by the said Company.

If any question as to the amount of school rates to be paid by the Township to the school section should arise by reason of any contention that the assessment of the Company is too low and an award is made increasing said assessment for school purposes, then the Company shall pay to the Corporation for such school purposes the amount accruing for such increase.

Passed by the Municipal Council of the Corporation of the Township of Grantham the 31st day of January, 1903. As witness the corporate seal of the said Corporation and the hand of the Reeve and Clerk of the said Township of Grantham.

Corporate Seal.

(Sgd.)

JOHN SCOTT,  
Reeve.

(Sgd.)

L. S. BESSEY,  
Clerk.

Moved by Councillor Masterson, seconded by Councillor Arbuthnot, That By-law No. 129, fixing the rate of taxes to be paid for the periods therein, by the Hamilton Electric Light and Cataract Power Co. (Limited), as amended, be now read a second and third time and passed, and the Reeve and Clerk do sign and seal the same, and its title be as in the motion.—Carried

I certify the above to be a true copy of a Resolution passed by the Grantham Council on Saturday, the 31st day of January, 1903.

L. S. BESSEY,  
Township Clerk.

## SCHEDULE B.

AGREEMENT made the 21st day of February A.D. one thousand nine hundred and three, BETWEEN The Hamilton Electric Light and Cataract Power Company, Limited (hereinafter called the "Vendors") of the first part ; the Shareholders of the said Company who execute this agreement, of the second part, and The Hamilton Cataract Power, Light and Traction Company, Limited (hereinafter called the "Purchasers") of the third part, witnesseth,

1. For the considerations and upon the terms hereinafter set out the Vendors agree to sell to the Purchasers, and the Purchasers agree to buy from the Vendors, the whole of the assets and properties, real, personal and fixed, rights, contracts, credits and effects, franchises, privileges and powers of the Vendors of whatsoever kind and wheresoever situated as the same may exist on the date when this agreement shall take effect as hereinafter mentioned, and for greater certainty, but not so as to restrict the generality of the foregoing, it is declared that the said sale and purchase shall include all lands, buildings, hereditaments, goods, chattels, moneys, bills and accounts receivable, contracts, agreements, securities, shares in the capital stocks of all companies, choses in action, good will and all other assets, rights and things whatsoever ;

2. As part consideration for the said sale the Purchasers shall assume and carry out, pay and discharge, and shall indemnify the Vendors against all contracts, duties and obligations, debts and liabilities of the Vendors existing at the date when the said sale is to take effect as above mentioned

mentioned, including among all others the first mortgage debentures issued by the Vendors and secured by a mortgage to National Trust Company, Limited, bearing date the first day of September A.D., 1899 ;

3. As further part consideration for the said sale and contemporaneously with the execution and delivery by the Vendors of the conveyances, assignments, transfers, or other assurances which may be required for the purpose of completing and carrying out the said sale, the Purchasers shall issue and deliver for distribution among the shareholders of the Vendors, and in exchange for the shares in the capital stock of the Vendors held by such shareholders respectively the following fully paid shares in the capital of the Purchasers' Company, namely :—

A number of preferred shares equal in number and amount to the preferred shares in the capital stock of the Vendors held by the shareholders of the Vendors, and a number of ordinary or common shares equal in number and amount to the ordinary or common shares in the capital stock of the Vendors held by the shareholders of the Vendors, and such shares shall be distributed among the said shareholders pro rata according to the preferred and ordinary or common shares held by them respectively, share for share, and it is agreed that the Purchasers shall issue and deliver direct to the shareholders of the Vendors who execute this agreement, or to their nominees, the number of shares to which they may respectively be entitled upon receiving from them respectively transfers to the Purchasers, or their nominees, of the shares held by them in the capital stock of the Vendors, and which are to be given in exchange as aforesaid.

Provided always that the Purchasers may issue and deliver direct to any shareholders of the Vendors who may not have executed this agreement but who may nevertheless be willing to make such exchange the shares to which they may be entitled.

Provided further that the shares to which any shareholders of the Vendors may be entitled and which are not issued to them direct, as above provided for, shall be issued and delivered to the Vendors, and the same shall be delivered to the last mentioned shareholders when and so soon as they are ready to exchange their shares therefor ; and any dividends which may be received by the Vendors upon the shares so issued and delivered to them shall be held by the Vendors for and paid over to the respective parties who may be entitled to said shares when the same are delivered to them in exchange for their said shares aforesaid.

4. As further part consideration for the said sale the Purchasers shall pay all costs and expenses of and incidental to this agreement, and to the carrying out of the terms and provisions hereof, and all costs and expenses, including taxes (if any), and all other disbursements up to the time all shares in the capital stock of the Vendors have been exchanged as aforesaid, whether such costs, expenses and disbursements are incurred in connection with the carrying out of this agreement or in maintaining the organization of the Vendors or otherwise ;

5. The Purchasers shall without investigation, objection, or requisition, accept such titles as the Vendors may have to the properties, assets and other things included in the said sale ;

6. The sale and purchase hereby agreed upon shall be completed without delay after this agreement has been confirmed by Act of the Legislature of Ontario, and the parties authorized to carry out the same, and all parties hereto agree to support an application to said Legislature for said Act at the next session thereof. The costs and expenses connected with the said Act and application therefor shall be borne and paid by the Purchasers.

7. The shareholders of the Vendors who execute this agreement hereby approve of and consent to the said sale and purchase and to the carrying out of all the terms of this agreement, and they respectively hereby agree with the Purchasers to exchange the shares held by them respectively

respectively in the capital stock of the Vendors for shares in the capital stock of the Purchasers upon the basis and in accordance with the terms above set out ;

8. Immediately upon this agreement being confirmed by Act of the Legislature as aforesaid, the Vendors shall execute and deliver to the Purchasers all necessary conveyances, assignments, transfers and assurances of the premises sold as may be deemed necessary or expedient for the purpose of vesting in the Purchasers, their successors and assigns, everything forming the subject of the sale and purchase hereby agreed to and referred to in clause 1 of this agreement. Provided always, and it is hereby agreed and declared that, notwithstanding anything herein contained, the rights of bondholders or other creditors of the Hamilton Electric Light and Cataract Power Company Limited, and of all persons having any claims or demands against that Company or any lien, charge or security upon any of its properties or assets, shall not be prejudiced by this agreement, or by the carrying out of the same, or of any part thereof, or of any of the terms or provisions thereof, but shall remain and may be enforced as if this agreement had not been made.

In witness whereof this agreement has been duly executed under the corporate seals of the Vendors and Purchasers ; and has been duly signed by the Shareholders of the Vendors, in the presence of

	THE HAMILTON ELECTRIC LIGHT AND CATARACT POWER COMPANY (Limited)	[L.S.]
Witness	J. M. GIBSON, President.	
	W. C. HAWKINS, Secretary.	
	THE HAMILTON CATARACT POWER, LIGHT AND TRACTION COMPANY (Limited)	[L.S.]
	J. M. GIBSON, President.	
	W. C. HAWKINS, Secretary.	
	(Signatures of Shareholders.)	



## CHAPTER 123.

## An Act respecting The Lake Superior Power Company and certain other Companies.

*Assented to 12th June, 1903.*

**W**HEREAS The Lake Superior Power Company and The Sault Ste Marie Pulp and Paper Company, Tagona Water and Light Company, The International Transit Company, Limited, The Algoma Steel Company, Limited, The Algoma Tube Works, Limited, The Algoma Commercial Company, Limited, and The Algoma Dry Dock Company, have by petition prayed that an Act may be passed to authorize The Lake Superior Power Company to purchase the stock, property and assets and to assume the liabilities of any one or more of the other companies hereinbefore named upon such terms as may be agreed upon, or to amalgamate with any one or more of such companies and to enable The Lake Superior Power Company, or any company formed by such amalgamation, to exercise the corporate powers of any company, the stock, property and assets of which shall be so purchased or which may amalgamate with The Lake Superior Power Company as aforesaid; and whereas it is expedient to grant the prayer of the said petition;

Preamble.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. (1) Subject to the provisions hereinafter contained The Lake Superior Power Company may purchase the stock, property, assets and franchises of any one or more of the other companies named in the preamble to this Act and may pay therefor in cash or in the stock or bonds of The Lake Superior Power Company and such last mentioned company or companies may transfer, assign and convey to the said The Lake Superior Power Company all their stock, property, assets and franchises upon such terms as may be agreed upon.

Lake Superior Power Co., authorized to purchase property, stock etc. of other companies.

(2) The directors of the respective companies proposing to enter into an agreement for such purchase and transfer may enter into a joint agreement, to be executed under the corporate seal of the said companies, prescribing the terms and conditions upon which The Lake Superior Power Company shall acquire the stock, property, assets and franchises of the other company or companies, and the mode of carrying such purchase into effect.

Agreement for purchase

Agreement to be submitted to shareholders.

(3) The agreement shall be submitted to the shareholders of each of the said companies at a meeting thereof called in accordance with the by-laws of such companies and held specially for the purpose of taking the same into consideration.

Approval of agreement.

(4) At such meeting of shareholders the agreement shall be considered and a vote by ballot taken for the adoption or rejection of the same, and the ballots shall be cast either in person or by proxy, and if two-thirds of the votes of all the shareholders of each of the said companies are for the adoption of the agreement then that fact shall be certified upon the agreement by the secretaries of each of such companies under the corporate seal thereof, and the secretary of The Lake Superior Power Company shall forthwith transmit a copy of the agreement certified to be a true copy under the hand and seal of a Notary Public to the Department of the Provincial Secretary at Toronto to be filed in the said department, and after the filing thereof the parties to such agreement, their directors, officers and agents may do all things necessary and lawful to carry out the said agreement.

Amalgamation with other companies.

2. (1) The Lake Superior Power Company and any one or more of the other companies mentioned in the preamble to this Act may in the manner hereinafter provided unite, amalgamate and consolidate their stock, property, businesses and franchises and may enter into all agreements and contracts therewith necessary to such union and amalgamation.

Agreement for amalgamation.

(2) The directors of the companies proposing to so amalgamate or consolidate as aforesaid may enter into a joint agreement, to be executed under the corporate seal of each of the said companies, for the amalgamation and consolidation of the said companies prescribing the terms and conditions thereof, the mode of carrying the same into effect, the name of the new company, the number of directors thereof, and who shall be the first directors thereof and their places of residence, the number of shares of the capital stock, the amount of par value of each share, and the manner of converting the capital stock of each of the said corporations into that of the new corporations, and how, and when the directors of the new corporation shall be elected, with such other details as they may deem necessary to perfect the new organization and the consolidation and amalgamation of the said companies and the after management and working thereof.

Submitting agreement to shareholders.

(3) The agreement shall be submitted to the shareholders of each of the said companies at a meeting called in accordance with the by-laws and held separately for the purpose of taking the same into consideration.

Approval of agreement.

(4) At such meetings of shareholders the agreement shall be considered, and a vote by ballot taken for the adoption or rejection of the same and each share shall entitle the holder thereof

thereof to one vote, and the ballots shall be cast in person or by proxy ; and if two-thirds of the votes of all the shareholders of each of such companies are for the adoption of the agreement, then that fact shall be certified upon the agreement by the secretary of each of such companies under the corporate seal thereof and if the agreement is so adopted at the respective meetings of the shareholders of each of the said companies, the companies by their joint petition may, through the Provincial Secretary, apply to the Lieutenant-Governor in Council for Letters Patent confirming the said agreement.

(5) With their joint petition, the companies shall deposit with the Provincial Secretary an original of the agreement and shall furnish such further and other documents and evidence in this behalf as the Provincial Secretary shall require and the Lieutenant-Governor in Council may by Letters Patent confirm such agreement ; and on and from the date of the Letters Patent confirming the said agreement and from such date only the said company shall be deemed to be taken to be amalgamated and consolidated to form one company by the name in the said agreement and Letters Patent provided, and the consolidated company shall possess all the properties, real, personal and mixed, assets, business, powers, rights and privileges and franchises and be subject to all the liabilities, contracts, disabilities and duties of each of the companies so consolidated ; and the said consolidated company may exercise and shall have all the powers, rights, privileges and franchises conferred upon each of the companies so consolidated by Letters Patent or by any general or special Act or by municipal by-law or otherwise.

Letters patent  
confirming  
amalgama-  
tion.

3. After the filing of the agreement for purchase under section 1 of this Act no company, party to such agreement other than The Lake Superior Power Company, shall carry on business or exercise any of the powers conferred upon such vendor company by Letters Patent, or by any general or special Act, except for the purpose of winding up or adjusting the affairs of the company, and the distribution or allotment of the purchase money or other consideration for the sale among the shareholders, but all the property, assets, business, rights, powers, privileges and franchises owned or controlled by any such vendor company, or conferred upon such company by Letters Patent, or by any general or special Act or by municipal by-law or otherwise shall be possessed by and may be carried on, exercised, used, enjoyed, and controlled by The Lake Superior Power Company, which shall assume and be subject to all the liabilities, contracts, disabilities, and duties of every such vendor company.

After purchase com-  
panies selling  
not to carry  
on business.

4. All rights of creditors to obtain payment of their claims out of the property, rights and assets of the company liable for such claims and all liens upon the property, rights and

Rights of  
creditors.

and



and assets of each of the companies parties to such purchase or consolidation, shall be unimpaired by any such purchase or consolidation, and all debts, contracts, liabilities and duties of any such company shall thenceforth attach in the case of purchase under section 1 of this Act to The Lake Superior Power Company, and in the case of consolidation under section 2 of this Act to the consolidated company, and may be enforced against The Lake Superior Power Company or the consolidated company, as the case may be, to the same extent as if the said debts, contracts, liabilities and duties had been incurred, entered into or contracted by it.

Actions, etc.,  
to be  
continued.

5. No action or proceeding by or against any such vendor company, or by or against any of the companies so consolidated, shall abate or be affected by purchase or consolidation under this Act, but for all the purposes of such action or proceeding such company may be deemed still to exist, or The Lake Superior Power Company in the case of the purchase, or the consolidated company, in the case of consolidation, may be substituted in such action or proceeding in the place of the vendor company or amalgamating company, as the case may be.

Evidence of  
transmission  
of title.

Rev. stat., c.  
138.  
Rev. stat., c.  
136.  
Rev. stat., c.  
148.

6. For the purposes of *The Land Titles Act* or of registration under *The Registry Act* or of *The Bills of Sale and Chattel Mortgage Act* or any other Act of the Province, it shall be sufficient in order to show the transmission of title from any of the companies hereby empowered to amalgamate if any instrument affecting lands, or interest in lands, or personal property, or interest in personal property included or intended to be included in the amalgamation aforesaid, recite or mention the title of this Act and the chapter and statute year in which this Act was passed.

## CHAPTER 124.

## An Act respecting the Stormont Electric Light and Power Company.

*Assented to 12th June, 1903.*

**W**HEREAS The Stormont Electric Light and Power Com- Preamble.  
pany has by petition prayed that an Act may be passed, ratifying and confirming that part of an agreement dated the 4th day of June, A.D. 1902, entered into between the said company and the Municipal Corporation of the Town of Cornwall, whereby the Corporation of the Town of Cornwall agreed to fix the assessment on the company's property, works, machinery, poles and wires connected with the electric branch of the company's business in the Town of Cornwall, during the term of 10 years, at the sum of \$10,000 in each year; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. That part of the agreement made between The Stormont Electric Light and Power Co., and the Municipal Corporation of the Town of Cornwall, bearing date the 4th day of June, 1902, set forth in the Schedule to this Act, is ratified and confirmed and declared to be legal, valid and binding upon the Corporation of the Town of Cornwall, and the ratepayers thereof, and upon The Stormont Electric Light and Power Company, according to the terms thereof; provided, however, that nothing in the said agreement or in this Act contained shall affect the assessment or taxation of the property in the said agreement described, for school purposes, but that for such purposes the said property shall be assessed in the same manner as it would have been if this Act had not been passed and the said agreement had not been made. Agreement in Schedule confirmed and legalized.  
Proviso.

## SCHEDULE

Part of an Agreement dated the 4th day of June, A.D. 1902, made between the Stormont Electric Light and Power Company, of the Town of Cornwall, and the Municipal Corporation of the Town of Cornwall.

The corporation, in further consideration of the company furnishing said light, agree to fix the assessment on the company's property, works, machinery, poles and wires connected with the electric branch of the company's business in the Town of Cornwall, during the said term of ten years at the sum of \$10,000 in each year, and the company at their own expense are to procure the necessary legislation to ratify and confirm this part of this agreement.

CHAPTER.

## CHAPTER 125.

## An Act respecting St. James' Cathedral, Toronto.

*Assented to 22nd May, 1903.*

## Preamble.

**W**HEREAS the Rector and Churchwardens of St. James' Cathedral, Toronto, (hereinafter called the Corporation) have by petition represented that some of the lands described in the Schedules to this Act are vested in the Rector and Churchwardens of St. James' Church, Toronto, and that certain lands described in the said Schedules are vested in the Rector and Churchwardens of St. James' Cathedral, Toronto, and that other lands described in some of the said Schedules are vested in the Rector of St. James' Church, Toronto, as a Corporation sole, and that it is desirable that all the said lands should be vested in the Rector and Churchwardens of St. James' Cathedral, Toronto; and that it is desirable to amend the descriptions of certain of the lands in the said Schedules which were mis-described in former statutes relating thereto; and that it is desirable to give the Corporation increased powers of obtaining, improving, mortgaging and disposing of lands and of investing their funds, and to define the status of certain members of the Corporation, and to declare the powers of the Corporation to regulate their cemetery and burial grounds; and to enable the Corporation to erect and operate a crematorium; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Lands vested  
in Corporation  
by descrip-  
tions in sched-  
ules.

1. The lands described in Schedules A, B, C and D, to this Act are hereby vested in the Rector and Churchwardens of St. James' Cathedral Toronto and their successors as a Corporation for all the estate and interest in the said lands which the Rector and Churchwardens of St. James' Church, Toronto, or the Rector and Churchwardens of St. James' Cathedral, Toronto, now have in said lands, subject nevertheless to all incumbrances now existing thereon respectively.

Lands vested  
in Corporation  
by descrip-  
tions in sched-  
ules upon cer-  
tain trusts.

2. The lands described in Schedules E and F to this Act are declared to be vested in the Rector and Churchwardens of St. James' Cathedral, Toronto, and their successors as a Corporation for all the estate and interest in the said lands which



which the Rector of St. James' Church, Toronto, as a Corporation sole, now has in the said lands, upon such and the same trusts as the said lands are now held upon respectively, or such of the said trusts as are now capable of taking effect, subject to all incumbrances (if any) now existing thereon respectively.

3. All the assets, interests, rights, franchises, credits, effects and property real and personal of whatsoever kind belonging to St. James' Church, Toronto, are hereby transferred to and vested in the Corporation their successors and assigns subject as aforesaid.

Assets and property vested in Corporation.

4. The Corporation is hereby declared to have and to have had the power to make by-laws, rules and regulations for the proper care, improvement and management of St James' Cemetery and any burial grounds of the Corporation and any parts thereof and to enforce the observance of such by-laws, rules and regulations within the limits of the said cemetery and burial grounds and any parts thereof.

Regulation of St. James' cemetery.

5. The Corporation shall have power and is hereby authorized with the approval of the vestry to erect buildings and to improve, alter and re-build any buildings now erected or which may hereafter be erected on any lands owned by the Corporation, and, for such purposes, to use any moneys which now are or hereafter may be held by them.

Power to erect buildings etc. on lands of Corporation.

6. The Corporation shall be entitled to lease or sell and convey or agree to lease or sell and convey and, with the approval of the vestry, to mortgage all or any part of the lands owned by the Corporation save and except those certain lands described in Schedules E and F hereto respectively.

Power to lease sell or mortgage lands.

7. The Corporation is hereby authorized to invest funds held by it in the purchase of any lands required by it for a cemetery or burial purposes, and in any stocks, funds or securities authorized by any statute in force in the Province of Ontario respecting the investment of trust funds, or in any stocks, shares or securities of the Government of Great Britain or of any British colony or dependency, or in or upon the stocks, shares or other securities of any chartered bank, municipal corporation, loan company or other incorporated company or corporation or public body whether in Canada or elsewhere. Provided that none of the said funds shall be invested nor shall any of the investments when made be sold, disposed of or varied without the consent of the vestry or of a committee to be appointed by the vestry for that purpose.

Investment of funds.

8. All persons who may from time to time rent or hold pews or sittings in pews in St. James' Cathedral, whether they rent or hold the same from pew-owners or from the churchwardens and

Members of vestry.

and who hold certificates from the churchwardens that they are such tenants or holders and that they have been members of the congregation of St. James' Cathedral for a period of at least six months immediately preceding the date of such certificate, are hereby declared to be members of the vestry of St. James' Cathedral at the date of such certificate and to so continue as long as they remain members of the said congregation and such tenants or holders, and are not in arrear for rent in respect of such tenancy.

Erection of  
crematory in  
cemetery.

9. The Corporation is hereby empowered with the approval of the vestry to erect on their lands for the purpose of cremation or incineration a building or buildings, and to provide the same with such fixtures, appliances and facilities as may be deemed necessary in order that such cremation or incineration may be carried on in accordance with accepted scientific principles, and shall have power to operate any crematorium or any building or buildings in connection therewith upon the said lands, and with the approval of the vestry may use, in so erecting, furnishing and operating such building, buildings or crematorium, any funds held by them.

Regulation of  
cremation and  
burial of ashes.

10. The Corporation shall have power from time to time to frame by-laws, rules and regulations for the reception, burial, cremation or incineration of the bodies of deceased persons for the deposit of ashes remaining therefrom in a suitable columbarium or for otherwise disposing of the same in accordance with the wishes of the deceased or their representatives of the deceased or the person from whom the body is received, and for the fees and rates to be charged; provided always that no body shall be cremated unless a medical certificate similar to that now required for burial has been produced, nor within forty-eight hours after decease unless under an order or permit from a duly constituted board of health or unless death has been occasioned by infectious or contagious disease and a certificate of a duly qualified medical practitioner or permit to that effect is presented to the Corporation or to the officer appointed by them for such purpose, and provided also that the Corporation shall not by cremation or incineration dispose of the bodies of persons who have died a sudden or violent death, without permission from a coroner of the district in which such persons die.

Right to re-  
fuse cremation

11. The Corporation shall have the right to refuse to cremate in any case without assigning reasons.

Devises and  
gifts, convey-  
ances, etc.,  
when to be  
valid.

12. Any devise, bequest, deed, conveyance or transfer of real or personal property that may be made to or for the use and benefit of the said St. James' Cathedral or to the Corporation or to the Rectors or to the Churchwardens or otherwise howsoever, for the use and benefit of the said St. James' Cathedral, shall be valid and effectual, and the property so devised, bequeathed,

ed, conveyed or transferred shall vest in the Corporation which is hereby empowered to take and hold the same upon and for the uses and purposes in such devise, bequest, deed, conveyance or transfer declared, mentioned or set forth, any law, usage or custom to the contrary notwithstanding: but nothing herein contained shall be deemed to render valid any such devise, bequest, conveyance or transfer of real or personal property which under any general law or statute would otherwise be illegal or invalid.

13. Nothing herein contained shall alter, diminish or injuriously affect the rights, remedies, or securities of holders of any debentures or other securities heretofore issued by the Corporation or the Churchwardens of St. James' Cathedral, Toronto, or the Corporation or the Churchwardens of St. James' Church, Toronto, or the rights, or remedies of any creditor of St. James' Church, Toronto, or of St. James' Cathedral, Toronto, but all such rights, remedies and securities shall continue, and have the same force and effect as if this Act had not been passed.

Rights of  
debenture-  
holders, etc.,  
preserved.

#### SCHEDULE A.

All and singular that certain parcel or tract of land and premises situate, lying and being in the City of Toronto and Township of York, containing by admeasurement sixty-five acres of land be the same more or less, being composed of parts of park lots, numbers one and two, lying and being on the west side of the River Don and butted and bounded as follows: Commencing where a post has been planted on the limit between lots numbers two and three, at a distance of seventy-five chains ninety-three links, more or less, from the front of the first concession on a course north sixteen degrees west; thence north seventy-four degrees east thirty chains fifteen links, more or less, into the mill dam; thence north sixteen degrees east two chains, more or less, to where a post has been planted; thence north seventy-four degrees east eight chains thirty-eight links, more or less, to the River Don; thence in a northerly direction following the windings of the river to within eleven chains of the south side of the allowances for road on the front of the second concession, and to the eastern boundry of land belonging to Francis Melville Cayley, Esquire; thence south seventy-four degrees west thirty chains, more or less, to where a post has been planted marked C, one number; thence south sixteen degrees east, thirteen chains thirty one links, more or less, to the place of commencement, being the parcel of land referred to and described in Schedule A to 29 and 30 Vic., chap. 151, saving and excepting thereout those parcels of lands comprised in two certain conveyances from the corporation respectively, registered in the Registry Office for the Eastern Division of the City of Toronto, on the 3rd day of February, 1892, as No. 7567 N, and on the 2nd day of January, 1895, as No. 3670 T.



## SCHEDULE B.

All that parcel or tract of land and premises being part of Park lot No. one, with part of what is sometimes known as township lot No. 16 in the City of Toronto, more particularly described as follows, commencing at the intersection of the westerly limit of Sumach street, with the northerly limit of Amelia street, thence north, 16 degrees west along the westerly limit of Sumach street and production 594 feet to the southerly fence of the original 65 acres of St. James' cemetery, thence north 74 degrees east along last mentioned limit 495 feet, more or less, to a point near the centre of a former mill dam, thence north 16 degrees west 132 feet, thence north 74 degrees east 581 feet to the west bank of the River Don, thence southerly along the west bank of River Don and the west limit of the Don Mills Road to the northerly limit of the Necropolis, thence north 54 degrees 30 minutes west along the northerly limit of the Necropolis 245 feet, thence north 47 degrees 30 minutes west 156 feet, thence north 63 degrees 30 minutes west 141 feet and 9 inches, thence south 62 degrees 30 minutes west 343 feet, thence south 74 degrees west 205 feet, thence south 74 degrees west 185 feet and 8 inches to the north west angle of Lamb's land, thence south 16 degrees east along Lamb's land 167 feet to the north limit of Amelia street, thence westerly along said limit of Amelia street 264 feet to the point of commencement, being the two parcels referred to in Schedules E and F to 52 Vict. (Ont.) Cap. 95 subject nevertheless to conveyances leases encumbrances and agreements hitherto made or created by the corporation and to all rights of the City of Toronto to or over any streets or lanes forming part of the said land.

## SCHEDULE C.

All that parcel or tract of land and premises being part of Park lot No. 2 in the City of Toronto more particularly described as follows, commencing at the intersection of northerly limit of Wellesley street with the easterly limit of Parliament street, thence easterly along the northerly limit of Wellesley street 140 feet, thence northerly parallel with Parliament street along the existing limits 266 feet and 8 inches to fence line, thence south 74 degrees west along last mentioned line and face of buildings and production, in all, 140 feet, more or less, to Parliament street, thence southerly along the easterly limit of Parliament street 266 feet, more or less, to the point of commencement.

## SCHEDULE D.

All that block of land situate in the City of Toronto, bounded on the west by Parliament street, on the south by Sydenham street, on the east by Sackville street, and on the north by Wilton avenue excepting therefrom Regent street and St. David street, the said premises being otherwise known as the premises shewn on a plan of building lots registered in the Registry office for the eastern division of the City of Toronto, and designated in said office as plan D 100, the said premises being also otherwise described by metes and bounds in Schedule A to 52 Vict. (Ont.) Cap. 95.

## SCHEDULE

## SCHEDULE E.

All that parcel or tract of land and premises being part of a 4 acre block of land granted by the crown to St. James' Cathedral, September 4th, 1820, in the Town of York, now in the City of Toronto more particularly described as follows—Commencing at a point in the southerly limit of Adelaide street distant 257 feet easterly from the easterly limit of Church street, which point is at present defined by the intersection of a fence line, thence easterly along the southerly limit of Adelaide street. 103 feet and 10 inches to the intersection of the production of west face of house No. 141, thence south 16 degrees 35 minutes east along said production and face of house and premises in rear, in all 178 feet and 9 inches to a fence line, thence south 73 degrees west along said fence line 102 feet to fence line on the easterly limit of cathedral grounds, thence north 17 degrees 11 minutes west along last mentioned fence line 181 feet to the point of commencement.

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## SCHEDULE F.

All that parcel or tract of land and premises, being part of a 4 acre block granted to St. James' Cathedral by the crown on September 4th, 1820, in the Town of York, now in the City of Toronto, more particularly described as follows—Commencing at the intersection of the northerly limit of King street with the easterly limit of Church Street, thence northerly along the easterly limit of Church street 414 feet and 6 inches to the intersection of the southerly limit of Adelaide street, thence easterly along the southerly limit of Adelaide street 257 feet to the intersection of a fence line, thence south 17 degrees 11 minutes east along said fence line 209 feet and 5 inches to a point distant 260 feet and 8 inches easterly from Church street, thence easterly parallel with King Street 2 feet to the westerly face of House No. 118, thence southerly along said face of house 207 feet and 3 inches to the northerly limit of King street and thence westerly along the northerly limit of King street 254 feet and 2 inches more or less to the point of commencement.

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## CHAPTER 126.

An Act respecting St. Paul's Church, Dunnville,  
Ontario.*Assented to 22nd May, 1903.*

## Preamble.

WHEREAS one William Arthur Johnson, formerly residing in the village of Weston, in the County of York and Province of Ontario, clergyman, deceased, did by instrument bearing date the 17th day of September, 1856, grant unto George Docker of the Township of Dunn, John C Kirkpatrick and Henry Penny, both of the Village of Dunnville, all in the County of Haldimand, as trustees, a sum of about \$1,400 upon trust for investment, and payment of the interest for the benefit of St. Paul's Church, Dunnville, as the rector and wardens of said church should direct; and whereas in March, 1864, the said trustees, at the request of the rector and wardens, purchased lots numbers 26 and 27 on the north side of Broad Street west in the Village of Dunnville as a parsonage or residence for the rector of St. Paul's Church, paying therefor, out of said trust funds, the sum of \$1,000; and whereas the said property so purchased has been used and occupied by the rectors of said church ever since that time; and whereas the original trustees are now dead and the present trustees under the said trust deed, are Francis J. Ramsey, merchant, William F. Haskins, banker, and William D. Swayze, barrister-at-law; and whereas doubt has arisen as to the title to the said property; and whereas the rector and wardens of the church and the trustees of the fund are desirous of selling the said property and applying the proceeds of such sale together with the balance of the trust funds in the hands of the trustees, towards the erection of a new parsonage upon the property owned by St. Paul's Church, Dunnville, being lots numbers 19, 20 and 21 on the north side of Lock Street in the said town, which are now vested in the rector and the church wardens of the said church; and whereas the Lord Bishop of Niagara and the standing committee of the Synod of the Diocese of Niagara and of the Vestry of the said St. Paul's Church, Dunnville, have consented to such sale and subsequent disposition of the said trust funds;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—



1. It is declared that lots numbers 26 and 27, on the north side of Broad Street west in the Town of Dunnville, in the County of Haldimand, are legally vested in the said Francis J. Ramsey, William F. Haskins and William D. Swayze, as trustees for the benefit of St. Paul's Church, Dunnville, Ontario; and the said trustees and their successors are authorized to sell and dispose of the said lots by public auction or by private sale as to said trustees shall seem meet for such price or prices as the Vestry of the said church may approve.

2. The said trustees or their successors are empowered to use the moneys arising from such sale (less the necessary expenses connected therewith) together with the other moneys of the said trust towards the erection of a new parsonage upon the property owned by St. Paul's Church, Dunnville, as aforesaid.

Lands purchased legally vested in trustees and trustees to have power to sell.

Application of proceeds of sale.

3. Upon the expenditure of the whole amount of the said trust moneys towards the erection of the parsonage aforesaid and the trustees and their successors accounting in full for the said moneys to the rector and wardens of the said church, the rector and wardens of the said church, are hereby empowered to give a discharge to the said trustees in respect of the said trust.

Discharge of trustees, what sufficient.

## CHAPTER 127.

## An Act respecting the Church of England Cemetery in the Town of Sarnia.

*Assented to 12th June, 1903.*

## Preamble.

WHEREAS the Rector and Wardens of St. George's congregation of the Church of England in Canada in the Town of Sarnia, have by petition represented that lot number one in Block "O" in the Maxwell estate, in the Town of Sarnia, according to registered plan number three of the said town was purchased for the purpose of a burial ground for the said congregation; that the said land has, pursuant to a by-law of the said town ceased for several years to be used for burial purposes; and that arrangements have been made with The Lake View Cemetery Company for burial plots in the cemetery established in the Township of Sarnia by the said company; and whereas it is represented to be desirable that the said land should be closed as a cemetery, and that the bodies of the dead therein should be removed therefrom, and that the rector and wardens of the said congregation should be authorized to sell the said lot number one in Block "O" so used as a cemetery by the said congregation; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

How lands  
to be held  
after removal  
of bodies.

1. It shall be lawful for the Rector and Wardens of St. George's congregation of the Church of England in Canada, in the Town of Sarnia, after the removal as by this Act provided, of the bodies of the dead interred in the cemetery as aforesaid, to lease, sell or convey in fee simple the whole or any part of the said lands, upon such terms and conditions, and for such prices as may be deemed best, free and discharged of and from all claims and demands of any person or persons who may have purchased lots for burial purposes in said parcel of land, or their representatives.

Removal  
of remains  
after notice  
authorized.

2. The said rector and wardens are hereby authorized forthwith, after giving notice as hereinafter mentioned, at their own expense, to remove from said cemetery the remains of  
the

the dead therein interred to the Lake View Cemetery at the sole cost of such rector and wardens, and to re-inter such remains decently and in order, and to re-erect any monuments or headstones erected in the said old cemetery at the time of such removal, such removals and re-interments to be made so far as reasonably may be, with a due regard to the wishes or desires of the relatives or friends of the deceased.

3. The said rector and wardens shall, before removing the remains as aforesaid, give written notice to the relatives of the dead, when known, and during the period of one month, publish a notice once in each week in two newspapers published in the said town, and in the *Ontario Gazette*, stating their intention to remove the said remains upon and after a day to be named in the said notice, which day shall not be less than six weeks after the first publication of said notice; and the said rector and wardens shall be required to pay all reasonable expenses incurred or sustained by the relatives in any removal of remains which shall take place after and in pursuance of such notice, and no further or other notice to the friends or relatives of the deceased shall be necessary.

Notice to  
relatives  
before  
removal.

4. Should the said rector and wardens sell the said lands or any part thereof and grant time for the payment of the purchase money or any portion thereof, they are hereby authorized and empowered to take and accept as security for the payment thereof mortgages from the respective purchasers on the lands sold to them respectively, containing the ordinary and usual covenants and powers of sale, and to enforce all such covenants and exercise such powers of sale in the ordinary and usual manner.

Taking mort-  
gages to  
secure pur-  
chase money  
when lands  
sold.

5. It shall be the duty of the said rector and wardens to use due care and diligence that all the remains of the dead have been removed from the said lands before they lease, mortgage or sell as aforesaid; but the title of any lessee, mortgagee or purchaser shall not be affected or prejudiced by reason only of the non-removal of any remains of the dead from the portion or portions so leased, mortgaged or sold, if it shall be made to appear to the county judge of the County of Lambton for the time being, and if he shall so certify under his hand, that all the remains of the dead, so far as the same can be discovered, have been removed from the said portion or portions so leased, mortgaged or sold, and such certificate shall be registered in the registry office of the said county on the production thereof to the registrar and the payment to him of one dollar as a fee for such registration.

Certificate of  
judge to be  
given that  
remains re-  
moved.



## CHAPTER 128.

An Act respecting the Necropolis Burying Ground,  
South Dorchester.*Assented to 22nd May, 1903.*

## Preamble.

WHEREAS Peter McNeil, David O. White and Randall W. Ballah, of the Township of South Dorchester, in the County of Elgin, have by their petition represented that they are the trustees of what is known as the Necropolis Burying Ground in the said township which said burying ground may be more particularly described as that parcel of land and premises in the Township of South Dorchester, in the County of Elgin, composed of part of lot twenty-one in the twelfth concession of the said township, which may be more particularly described as follows :—Commencing in front of the said concession at a point westerly from the north-east angle of said lot, six chains and six links, or one-fifth the width of said lot, thence westerly along the front of said lot forty feet to the north-westerly corner of a brick chapel now standing on said lot, thence southerly parallel with the side lines of said lot fifty feet, thence easterly forty feet, thence southerly parallel with the side lines of said lot one hundred and ten feet, thence easterly parallel with the front of said lot ninety-one feet, thence northerly parallel with the side lines of said lot one hundred and sixty feet, more or less, to the front of said concession, thence westerly along the concession line ninety-one feet more or less to the place of beginning; that in or about the month of January, 1850, a congregation of the Disciples of Christ was formed, and erected a church upon a portion of the said burying ground; that the said church was used by the said congregation as a place of worship until 1872, when it was pulled down, and that the lands upon which the said church stood have since been used for burial purposes; that in the year 1872 the said congregation acquired a piece of land at the north-west corner of and contiguous to, the said burial ground which parcel of land had a frontage of forty feet upon the north boundary of the said concession and extended southerly fifty feet, and erected thereon a brick church which has since been continuously used by the said congregation as a place of worship, and that the said last described portion of land has never been used for burial purposes; that on the 29th day of June, 1876, one Randall Spencer Bentley by deed conveyed the said lands known as the Necropolis Burying Ground to Benjamin

min Shirk, Peter McNeil and John Ballah, as trustees for the said Necropolis Burying Ground, and by error and misdescription the portion of lands upon which the said church was erected in 1872, was included in the said conveyance; that the said congregation is desirous of pulling down the said church and erecting a new one upon the said land, and desires to remove the cloud upon the title thereto caused by the said deed; that the petitioners are willing to execute a conveyance to the trustees of the said congregation to rectify the said error and have by their said petition prayed for an enabling Act; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The said Peter McNeil, David O. White and Randall W. Ballah, trustees of the Necropolis Burying Ground, in the Township of South Dorchester, are authorized and empowered to release to Denzil D. Finch, Dilman Ackert and Herbert Hawes, trustees of the said congregation of Disciples of Christ, and their successors in office, all their claims (if any) in the said lands now occupied as the site of the said church of the Disciples of Christ, and which may be more particularly described as follows:—Commencing in front of the said concession at a point westerly from the north-east angle of said lot six chains and six links, or one-fifth the width of the said lot, thence westerly along the front of said lot forty feet to the north-westerly corner of a brick chapel now standing on said lot, then southerly parallel with the side lines of said lot fifty feet; thence easterly forty feet, thence northerly fifty feet, more or less, to the place of beginning.

Trustees of  
burying  
ground auth-  
orized to re-  
lease lands to  
congregation.

2. Upon the execution and delivery of the said conveyance the lands described in section 1 of this Act, shall vest in the said trustees of the said congregation and their successors in office for all the interest (if any) of the trustees of the said burying ground and freed and discharged from all trusts upon which the said burying ground is held, but subject to the provisions of *The Act respecting the Property of Religious Institutions*.

Lands when  
conveyed to  
be vested in  
trustees for  
congregation.

Rev. Stat.  
c. 307.

## CHAPTER 129.

## An Act respecting The Art Museum of Toronto.

*Assented to 22nd May, 1903.*

## Preamble.

WHEREAS the Art Museum of Toronto, hereinafter called the "Association," was incorporated under the provisions of Chapter 211 of the Revised Statutes of Ontario 1897, intituled *An Act respecting Benevolent, Provident and other Societies*, for the following purposes, viz.: "The cultivation and advancement of fine and applied Arts by means of the establishment and maintenance of a building or buildings devoted to and used for and in connection with such Arts, the holding of exhibitions therein, the use thereof by artists and others for Art purposes, the acquiring of works of art for a permanent Gallery or Museum, the education and training of those desirous of applying themselves to Art studies, and generally, by any lawful means, to encourage, promote and further Art interests in the Province of Ontario, and for these purposes, to acquire and hold land, buy or erect buildings, and furnish, equip and maintain same;" and whereas the said Association has by its petition represented that the purposes for which it was incorporated cannot be properly accomplished or carried out with the powers which it possesses under its said incorporation, and has prayed that its said incorporation may be confirmed and amended as hereinafter enacted, and that its constitution and powers may be as hereinafter defined, and that the rights and powers hereinafter mentioned may be conferred upon it; and whereas it is expedient to grant the prayer of said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

## Incorporation confirmed.

1. The incorporation of *The Art Museum of Toronto* is hereby confirmed, and the same is hereby declared to be a valid and subsisting corporation under Chapter 211 of the said Revised Statutes; but wherever the provisions of this Act differ from the provisions of the said Chapter 211 or of the Declaration incorporating the said Association the provisions of this Act shall, with respect to the said Association, govern.

## Power as to holding lands.

2. In connection with the carrying out of the purposes for which it is incorporated the said Association may, notwithstanding



standing any Act or law respecting mortmain and charitable uses, acquire and take by purchase, gift, devise, bequest or otherwise, and may continue to hold lands or tenements or interests therein and personal property, and may execute and carry out any trusts and terms upon which any lands or interests therein or personal property may be devised, bequeathed or conveyed to it, and Sections 13 and 14 of Chapter 211 of the said Revised Statutes of Ontario, 1897, shall not apply to the Association.

3. The qualifications and terms of membership in the Association, and rights of voting at meetings and the classes of members shall be such as may from time to time be determined by by-law passed at an annual meeting of the Association, or at a special general meeting called to consider such by-law, and members may vote in person or by proxy. Qualification of members.

4. The Provisional Council named in the declaration of incorporation of the Association may, prior to the first annual meeting of the members held after the passing of this Act, pass by-laws defining the qualifications and terms of membership and the rights of voting and classes of members; but unless such by-law be confirmed at the said annual meeting of the Association the same shall then cease to have force. By-laws regulating terms of membership.

5. The affairs of the Association shall be managed by a Council of not less than ten nor more than twenty, to be elected by the votes of the members in annual meeting; provided always that any member of the Association who contributes a sum of not less than five thousand dollars to the Association shall be ex-officio a member of the council for life. Ex-officio members shall not be counted in the number of the Council fixed by the by-laws. The Council shall from time to time elect one of their members to be President of the Association; one or more Vice-Presidents may be elected; and one or more Honorary Presidents. An Honorary President need not be a member of the Council. The members of the Council shall continue in office till their successors are duly appointed. Council.

6. The Council may from time make by-laws, rules and regulations, not contrary to law, to regulate,— By-laws.

- (a) The number (within the limits aforesaid) and the qualifications of the members of the Council, their terms of service, times and manner of retirement. Constitution of council.
- (b) The appointment, functions, duties and removal of all officers, agents and servants of the Association, and their remuneration. Officers.
- (c) The calling of general meetings of the Association, regular and special, and of the Council, the quorum, the requirements as to proxies, and the procedure in all things at such meetings. Meetings.

(d)

Associate  
members.

(d) The qualifications and terms of admission of associate members who shall not have the right of voting at any meeting of the Association.

Business of  
association.

(e) Generally the conduct and management in all respects of the business and affairs of the Association.

Amendment  
or repeal of  
by-laws by  
association.

7. By-laws, rules and regulations made by the Council may be repealed, altered and amended by the Association at an annual meeting or at a special meeting called for the purpose.

Committee of  
council.

8. The power to deal with any matter connected with the Association or its objects may be delegated by the Council to a committee, which may be composed of members of the Council or otherwise.

Borrowing  
powers.

9. If authorized by by-law passed by the Council and sanctioned by two-thirds of the votes of the members present in person or represented by proxy at an annual meeting of the Association, or at a special meeting called to consider such by-law, the Council may borrow money upon the credit of the Association, and may issue bonds, debentures or other securities of the Association, and may pledge or sell the same for such sums or at such prices as may be deemed expedient or necessary, and may hypothecate, mortgage or pledge all or any of the real or personal property, rights or powers of the Association to secure any bonds, debentures or other securities and any indebtedness of or money borrowed for the purposes of the Association. But nothing herein contained shall authorize the Association to alienate, hypothecate, mortgage or pledge any real or personal property, given, devised or bequeathed to it with a condition annexed to such gift that the same shall not be alienated, hypothecated, mortgaged or pledged.

Provisional  
council.

10. Until the election of the Council, the powers conferred upon the Council may be exercised by the Provisional Council named in the declaration of incorporation of the Association; and, until a by-law otherwise provides, five members shall constitute a quorum of the Provisional Council for the transaction of business; and a meeting of the Provisional Council—to be held in the City of Toronto—may be called by any three members thereof upon two days' notice of the time and place of such meetings being delivered to or mailed to the last known address of each surviving member of the said Provisional Council.

Meeting may  
be called when  
members less  
than 100.

11. A meeting of the members of the Association may be called notwithstanding that the number of such members may be less than one hundred.

Taking lands.

12. The Association may from time to time enter upon the lands

lands of any person or corporation and survey the same and set out and ascertain such parts thereof as it thinks necessary and proper for the carrying out of the purposes for which it is incorporated; and may make plans and surveys of said lands and may file a copy of said plans and surveys in the office of the Provincial Secretary and may call upon the owners of and others interested in the said lands to agree upon the compensation to be paid for the said lands and damage, if any, sustained by them resulting from the execution by the Association of any of the powers granted by this Act; and the Association shall make compensation, to the owners of or others interested in the lands so entered upon and taken for the said lands and for all damage, if any, as aforesaid. If the Association and the parties interested cannot agree upon such compensation, then upon the application of the Association, or of any of the other parties interested, to the Chief Justice or any Judge of the High Court of Justice for Ontario, and upon such notice as said Chief Justice or Judge may think proper, the said Chief Justice or other Judge shall appoint an arbitrator to fix the amount of such compensation, and his award shall be final, and the provisions of *The Arbitration Act* shall apply to such arbitration.

Rev. Stat.  
c 62.

**13.** The Association may pay the compensation awarded to the owners and others interested in the lands so taken, upon a proper conveyance of said lands being made to the Association; or the said compensation may be paid into the High Court of Justice for Ontario; and upon payment of the compensation into Court, the lands taken shall thereupon become vested in fee simple in the Association, its successors and assigns free from incumbrances; and the Association may forthwith take possession of said lands; and if any resistance or opposition is made by any person to the taking of said possession, the Chief Justice or any Judge as aforesaid may, on the application of the Association and on such notice as he may deem sufficient, issue his warrant to the Sheriff of the District or County in which the lands lie, to put the Association in possession, and to put down such resistance or opposition, which the said Sheriff shall accordingly do.

Payment of  
compensation  
into Court.

**14.** The compensation awarded shall stand in the stead of the lands, and any claim to or incumbrance upon said lands or any portion thereof shall, as against the Association, be converted into a claim upon the compensation.

Compensation  
money to  
stand in place  
of lands.

**15.** The compensation paid into Court shall be paid over and distributed to and among the owners and others interested in the lands in such amounts and in such priorities as the Court may order; and for the purpose of ascertaining those interested and the amount of their interest, and of ordering the proper distribution of the said money, the said Court is hereby vested with full power and jurisdiction.

Distribution  
of compensa-  
tion money.



Filing award  
as evidence of  
title.

**16.** A copy of any award made under the foregoing provisions of this Act, and of the certificate of payment of compensation into Court, and of the plan of survey of the lands in respect of which the compensation has been awarded shall be filed in the Registry Office of the County or District in which the said lands lie.

Rev. Stat.  
c. 207, ss. 13,  
14, 15 and 18  
to apply.

**17.** Sections 13, 14, 15 and 18 of *The Railway Act of Ontario* are hereby incorporated into and enacted as part of this Act and as if the same were represented herein; and wherever the word "Company" is used in the said sections the same shall mean the "Association."

Rev. Stat.  
c. 211, s. 21.  
not to apply.

**18.** Section 21 of Chapter 211 of the Revised Statutes of Ontario, 1897, shall not apply to the Association.

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## CHAPTER 130.

## An Act to incorporate The Brantford Young Men's Christian Association.

*Assented to 22nd May, 1903.*

**W**HEREAS an association under the name of The Brantford Young Men's Christian Association was incorporated on the 30th day of March, 1874, under the provisions of an Act passed in the 37th year of the reign of Her late Majesty Queen Victoria, chaptered 34, and intituled "An Act respecting Benevolent, Provident and other Societies," and has since existed in the City of Brantford, having for its object the improvement and advancement of the social, intellectual and spiritual condition of young men, and the promotion of Christian work in the City of Brantford, and is governed by a constitution and by-laws which have received the assent of the members of the said association; and whereas the said association has by petition prayed that the said incorporation may be confirmed as hereinafter provided, and its buildings and real estate in the City of Brantford may be exempted from taxation except for local improvements, and that the powers of the said corporation may be otherwise defined and enlarged; and whereas it is expedient to grant the prayer of the said petition; Preamble.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The incorporation of the said association is confirmed, and The Brantford Young Men's Christian Association is declared to be a body corporate and politic and to have been duly incorporated under the provisions of the said Act respecting Benevolent, Provident and other Societies, with the rights, powers and privileges in the said Act and the certificate of incorporation of the said association mentioned, and all the real and personal estate, property, assets and effects, and all present and future grants, devises, legacies and bequests, and all titles, securities and instruments and all rights, claims and liabilities in favour of or against The Brantford Young Men's Christian Association are declared to be vested in and shall enure to or against The Brantford Young Men's Christian Association Incorporation confirmed.

Powers as to  
holding  
real estate.

Association as fully and effectually to all intents and purposes as if the said association had been incorporated by an Act of the Province of Ontario ; and the said corporation shall have power to acquire and hold real estate in the City of Brantford providing the annual value of the real estate so held and not actually used for the work of the said association shall not exceed at any one time \$10,000, and the same, or any part thereof, to alienate, exchange, mortgage, lease or otherwise charge or dispose of as occasion may require, and may also acquire any other real estate or interest therein (so long as the annual value of the same shall not at any one time exceed \$5,000) by gift, devise or bequest, if made at least six months before the death of the party making the same ; and may hold such estate or interest therein for a period of not more than seven years and may within that time alienate or dispose of the same ; and the proceeds of such estate or interest therein as shall have been so disposed of shall be invested in public securities, county or other municipal debentures or other approved securities, for the use of the said corporation ; and such estate or interest therein as may not within the said period be alienated or disposed of shall revert to the party from whom the same was acquired, his heirs and representatives.

Objects of  
corporation.

2. The object of the said corporation shall be the promotion of the spiritual, intellectual, social and physical welfare of young men by the maintenance and support of meetings, lectures, classes, reading rooms, library, gymnasium and such other means as may from time to time be determined upon and the promotion of Christian work in the said city.

Constitution  
and by-laws.

3. The constitution and by-laws by which the association is now governed shall continue to be the constitution and by-laws of the said corporation ; but they, or any of them may be added to, amended or repealed, and others substituted therefor in the manner and subject to the conditions and provisions therein stated.

Officers and  
members.

4. The officers and members of the board of directors of the association at the time of the passing of this Act shall be the officers and members of the board of directors of the said corporation and shall retain their respective offices and positions until others shall be elected in their place.

Annual  
return.

5. The said corporation shall at all times when required by the Lieutenant-Governor of the Province make an annual return of all property held by it, with such details and other information as the Lieutenant-Governor may require.

Application  
of funds.

6. The funds of the said corporation shall be used for the purposes authorized by this act, and nothing herein contained

shall



shall authorize the said corporation to engage in the business of trading in real estate.

7. The real estate vested in the said corporation shall continue to be subject to existing incumbrances thereon, and shall be managed and controlled by a board of directors who shall be elected in accordance with the constitution and by-laws of the corporation, and the real estate shall not, nor shall any part thereof, be liable for any future debts or obligations unless the debt or obligation shall have been contracted with the consent of at least three-fourths of the members of the board of directors, expressed by resolution duly passed and recorded. Management of real estate.

8. The corporation may by by-law increase or decrease the number of directors and provide as to their qualification, mode of election, and the time for which they shall hold office. Directors.

9. The said corporation shall have power to establish a system of technical education, including such branches of science and the development of such of the industrial arts as the board of directors of the said corporation may from time to time determine. Technical education.

10. Such part of the buildings of The Brantford Young Men's Christian Association and the land whereon the same are erected, as are occupied by and used for the purposes of the association shall be exempt from taxation except as to local improvements as long as the same are so occupied and used. Exemption of buildings and site from taxation.

11.—(1) Every contract, agreement, engagement or bargain made and every bill of exchange drawn, accepted or endorsed and every promissory note and cheque made, drawn or endorsed on behalf of the said corporation by any agent, officer or servant of the corporation, in general accordance with his powers as such under the by-laws of the corporation, shall be binding upon the corporation, and in no case shall it be necessary to have the seal of the corporation affixed to any such contract, agreement, engagement, bargain, bill of exchange, promissory note or cheque, or to prove that the same was made, drawn, accepted or endorsed as the case may be, in pursuance of any by-law or special vote or order; nor shall the party so acting as agent, officer or servant of the corporation be thereby subjected individually to any liability whatsoever to any third party therefor. Execution of contracts, making notes, cheques, etc.

(2) Nothing in this section shall be construed to authorize the corporation to issue any note payable to the bearer thereof, or any promissory note intended to be circulated as money or as the note of a bank.

## CHAPTER 131.

## An Act to incorporate the Jane Laycock Children's Home.

*Assented to 22nd May, 1903.*

## Preamble.

WHEREAS an institution commonly known as the Sheridan Street Orphanage has for some time existed and still exists in the City of Brantford in this Province, having for its object the maintaining and educating of destitute girls and training them to habits of industry and virtue; and whereas the property and management of the affairs of the said institution has hitherto been and is now vested in a Board of Trustees appointed under the provisions of a certain conveyance bearing date the 12th day of May, 1873, registered in the Registry Office for the County of Brant on the said 12th day of May, 1873, in Book L, for the city (then town) of Brantford as number 6802, the provisions of which said trust deed or conveyance are more fully set forth in Schedule A to this Act; and whereas William Foster Cockshutt, Frank Cockshutt and Thomas Foster are the present trustees and managers of the said institution; and whereas under and by virtue of a certain indenture of assignment of mortgage, bearing date the first day of March, 1881, and registered in the said registry office on the 11th day of April, 1881, in Book V, for the City of Brantford as number 11,630, and more fully set forth in Schedule B to this Act, one Ignatius Cockshutt of the said City of Brantford, since deceased, assigned and transferred the mortgage therein mentioned and the moneys thereby secured to the trustees therein mentioned upon trust among other things for the benefit of the said above mentioned institution; and whereas William Nichol, Charles Stephen Jones, the said Frank Cockshutt, William Foster Cockshutt and Thomas Foster are the present trustees under the said in part recited assignment; and whereas a certain other institution known as the Jane Laycock Orphanage has for some time existed and still exists in the Township of Brantford in this Province, having similar objects to those of the institution firstly above mentioned; and whereas under and by virtue of the provisions of an Act of the Legislative Assembly of the Province of Ontario, passed in the second year of the reign of His Majesty King Edward the Seventh, chaptered 115, entitled "*An Act to enable the trustees of the Jane Laycock Orphanage to sell certain lands in the County of Brant,*" the lands and premises in the said Act mentioned

were

were declared to be vested in Mary Margaret Kippax and Charles Cockshutt as trustees upon the trusts and for the purposes in the said Act declared, and by the said Act the said trustees were authorized and empowered to sell the same for the purposes of the said trust; and whereas the said trustees have by their petition represented that the said institutions would be rendered much more efficient by uniting the same under one management and giving to the same the character of a corporation and have prayed that an Act may be passed for that purpose; and whereas it is expedient to grant the said prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said Mary Margaret Kippax, Charles Cockshutt, William Foster Cockshutt, Frank Cockshutt and one Ellen R. Cockshutt trustees, and all others who may from time to time be elected to succeed them in manner hereinafter mentioned, shall be and they are hereby nominated and constituted a body corporate and politic under the name of "The Jane Laycock Children's Home," for the maintenance and education of poor children and training them to habits of industry and virtue; and shall by that name have perpetual succession and shall have a common seal; and the said corporation shall further have the right to make and establish such by-laws, orders and regulations (not being contrary to the laws of this Province or to this Act) as they shall deem useful and necessary for the conduct or government of the said institution; provided always that no act done by the said trustees shall be valid and effectual unless a majority of the trustees shall be present and assent thereto.

Trustees  
incorporated.

2. All the real and personal estate, property, assets and effects now vested in the several trustees in the preamble to this Act mentioned and all present and future devises, legacies, and bequests and all titles, securities and instruments and rights, claims and liabilities in favor of or against the said several trustees are declared to be vested in and to enure to or against the said corporation, according to the tenor thereof respectively, and the said corporation shall have power from time to time and at all times to acquire and hold as purchasers any interest in lands and tenements, providing the annual value of the real estate so held and not actually used for the work of the said corporation shall not exceed at any one time \$10,000, and the same or any part thereof to alienate, exchange, mortgage, lease or otherwise, charge or dispose of as occasion may require, and may also acquire any other real estate or interest therein (so long as the annual value of the same shall not at any one time exceed \$5,000) by gift, devise or bequest if made at least

Property  
vested in pres-  
ent trustees  
transferred  
to new  
Corporation.



least six months before the death of the party making the same and may hold such estate or interest therein for a period of not more than seven years and may within that time alienate or dispose of the same ; and the proceeds of such estate or interest therein as shall have been so disposed of shall be invested in public securities, county or other municipal debentures, mortgages or other approved securities for the use of the said corporation ; and such estate or interest therein as may not within the said period be alienated or disposed of shall revert to the party from whom the same was acquired, his heirs and representatives.

Encumbrances on property not affected.

3. The real estate vested in the said corporation shall continue to be subject to any existing encumbrances thereon and shall be managed and controlled by a Board of Trustees elected in accordance with the constitution and by-laws of the corporation, and the said real estate shall not nor shall any part thereof be liable for any future debts or obligations unless such debt or obligation shall have been contracted with the consent of the Board of Trustees expressed by resolution duly passed and recorded.

Powers of Board.

4. The Board of Trustees hereinbefore named and their successors shall have the management of the affairs of the said corporation and shall appoint all officers for conducting its affairs and shall regulate the discipline and government of the said institutions as to them shall seem meet and expedient and may make by-laws, rules and regulations for any of the said purposes.

Vacancies among trustees.

5. In case of the death, resignation, incompetency, refusal to act or residence out of the Province of Ontario of any of the said trustees, the vacancy so caused shall be filled at a regular meeting by a majority of the remaining trustees, the name of the proposed trustee or trustees being sent to each trustee at least one week prior to the meeting at which such new trustee or trustees is or are to be appointed.

Changing number of trustees.

6. The corporation may by by-law increase or decrease the number of trustees and provide as to their qualification, mode of election and the time for which they shall hold office.

Application of property and revenues.

7. All property which shall at any time belong to the said corporation as well as the revenues thereof shall at all times be appropriated and applied exclusively to the objects and purposes of the said corporation and nothing herein contained shall authorize the said corporation to engage in the business of trading in real estate.

Exemption from municipal taxation.

8. The buildings of the said corporation and the land whereon the same are erected so long as the same are actually occupied by and used for the purposes of the corporation, shall be exempt from taxation except as to local improvements.

9.—(1) Every contract, agreement, engagement or bargain made and every bill of exchange drawn, accepted or endorsed and every promissory note and cheque made, drawn or endorsed on behalf of the said corporation by any agent, officer or servant of the corporation, in general accordance with his powers as such under the by-laws of the corporation, shall be binding upon the corporation, and in no case shall it be necessary to have the seal of the corporation affixed to any such contract, agreement, engagement, bargain, bill of exchange, promissory note or cheque or to prove that the same was made, drawn, accepted or endorsed, as the case may be, in pursuance of any by-law or special vote or order; nor shall the party so acting as agent, officer or servant of the corporation be thereby subjected individually to any liability whatsoever to any third party therefor.

Contracts not under seal when binding.

(2) Nothing in this section shall be construed to authorize the corporation to issue any note payable to the bearer thereof or any promissory note intended to be circulated as money or as the note of a bank.

10 The said corporation shall at all times when required by the Lieutenant-Governor of the Province make an annual return of all property held by it, with such details and other information as the lieutenant-governor may require.

Annual returns to be made when required.

11. The said trustees may exercise over and with respect to children having the protection of the said corporation such powers as their parents or guardians would have or might exercise.

Trustees to have rights of parents or guardians.

## SCHEDULE A.

This Indenture made in duplicate the twelfth day of May one thousand and eight hundred and seventy-three, in pursuance of the Act respecting short forms of conveyances, between Ignatius Cockshutt, of the Town of Brantford, in the County of Brant, Esquire, of the first part; Elizabeth Cockshutt of the same place, the wife of the said party of the first part, of the second part, and Thomas S. Shenston, of the same place, Esquire, and James George Cockshutt and Charles Cockshutt, the two eldest sons of the said Ignatius Cockshutt, both of the same place, gentlemen, hereinafter called the "Trustees" of the third part.

Whereas the party of the first part is seized in fee simple of the lands hereinafter mentioned and is desirous of dedicating them and the buildings thereon as a home for destitute girls, under the regulations herein pointed out.

And whereas the said party of the first part by indenture by way of lease dated the twenty-first day of December, one thousand eight hundred and sixty-eight, demised the said lands to the said Thomas S. Shenston, for the term and for the purposes in said lease mentioned, and

this

this conveyance of said lands is intended to be subject to said lease which is to be in no way affected by this conveyance.

Now this indenture witnesseth that the said party of the first part in pursuance of the premises and in consideration of the sum of one dollar of lawful money of Canada now paid by the said trustees to the said party of the first part, (the receipt whereof is hereby by him acknowledged) doth grant, not by way of bargain and sale or otherwise than by way of gift at the common law, unto the said parties of the third part all and singular those certain parcels or tracts of land situate, lying and being in the Town of Brantford, in the County of Brant, being composed firstly, of lot number three on the south side of Sheridan street and secondly of thirty-three feet off the west side of lot number four on the south side of Sheridan street, which last named parcel contains, by admeasurement, four thousand three hundred and fifty-six square feet, more or less.

To have and to hold the same with the appurtenance (subject however, to the term created by such lease and to the said lease) to the said parties of the third part, and their heirs to the use of the said parties of the third part for and during the full period of their joint lives provided they shall so long continue competent, be willing to act and reside within the County of Brant.

And on the death of the said Thomas S. Shenston or on his becoming incompetent or unwilling to act or residing out of the County of Brant, to the use of the other trustees and the person residing in the County of Brant, of the protestant faith they may appoint to succeed him as hereinafter is provided for and during the full period of their joint lives, provided they shall so long continue competent, be willing to act and reside within the County of Brant, and on the death incompetency, refusal to act or residence out of the County of Brant of any trustee being a son of the said Ignatius Cockshutt, to the use of the surviving trustees and the next eldest son living of the said Ignatius Cockshutt, for and during the full period of their joint lives, provided, they shall continue competent, be willing to act and reside within the County of Brant until the said lands shall vest in the two last surviving sons of the said Ignatius Cockshutt, who shall be competent and willing to act and reside within the County of Brant, and the said Thomas S. Shenston, (or such other trustee as shall have been appointed in his place as hereinafter is provided) then to the use of such last surviving sons of the said Ignatius Cockshutt, and such remaining trustee and their heirs as joint tenants provided, they shall continue competent, be willing to act and reside within the County of Brant.

It is hereby provided that on the death incompetency, refusal to act or residence out of the County of Brant, of the said Thomas S. Shenston or of any person from time to time appointed in his place, it shall be the duty of the other trustees, as soon as convenient, by deed, to appoint another person of the protestant faith and a resident of the County of Brant, in his place.

Also upon the said lands becoming vested in the two last surviving sons of the said Ignatius Cockshutt and the said other trustee it is provided that as often as any trustee shall die, become incompetent or reside out of the County of Brant it shall be the duty of the surviving trustees for the time being as soon as convenient to appoint another in his place such new trustee to be a protestant and reside within the County of Brant and to cause the said lands to become vested in him and them in fee simple upon the trusts herein declared in respect thereto.

It is hereby declared that the said lands shall at all times be held by the said trustees upon trust to use the same and the buildings thereon as a home for destitute girls to be called the "Orphanage" under such regulations as the trustees shall from time to time make.

Also that there shall be read daily in the hearing of the inmates of said Orphanage at least one chapter from the New Testament in the English language.



Also that it shall be the duty of the trustees to keep insured the buildings on said lands to the extent of one half at least of the cash value thereof in some good insurance company and to keep such buildings in repair (reasonable wear and tear excepted) and to pay all taxes and outgoings in respect to such buildings and lands and to pay the costs of the management of such Orphanage out of moneys to be voluntarily supplied to them for such purposes and in the event of loss by fire happening to such buildings to rebuild the same or restore them to their former condition or one equally suitable having regard to the object for which they are dedicated out of the moneys to be received from the insurance company and from voluntary subscription.

Also that the word "Trustees" used herein shall apply to those who may succeed those hereby appointed as well as those hereby appointed.

And the said Elizabeth Cockshutt the wife of the said Ignatius Cockshutt hereby bars her dower in the said lands.

And the said party of the first part releases to the said parties of the third part all his claims upon the said lands.

And it is finally declared herein that the residence out of the County of Brant referred to in this conveyance means permanent and not temporary residence out of said County.

In witness whereof the parties hereto have hereto set their hands and seals on the day and year first above written.

Signed, sealed and delivered

In presence of

Sgd. W. NICHOLAS MILLER

{ Sgd. IGNATIUS COCKSHUTT, [Seal]  
 { Sgd. ELIZABETH COCKSHUTT, [Seal]  
 { Sgd. T. S. SHENSTON, [Seal]  
 { Sgd. JAMES GEO. COCKSHUTT, [Seal]  
 { Sgd. CHARLES COCKSHUTT, [Seal]

## SCHEDULE B.

This Indenture made in duplicate the first day of March one thousand eight hundred and eighty one, between Ignatius Cockshutt of the City of Brantford in the County of Brant, Esquire, hereinafter called the Assignor of the first part and John Harris of the said City of Brantford manufacturer, William Nichol of the same place, doctor of medicine, Frank Cockshutt of the same place, clerk, Robert Charles Smyth of the same place, barrister at law and Charles Stephen Jones of the same place, barrister at law as trustees upon the trusts hereinafter mentioned hereinafter called the Assignees of the second part.

Whereas by a mortgage dated on the sixteenth day of June one thousand eight hundred and seventy five The Brantford Young Men's Christian Association did grant and mortgage the land and promises therein and hereinafter described to the said assignor his heirs and assigns for securing the payment of twelve thousand dollars and interest as therein mentioned and there is now owing upon the said mortgage the sum of ten thousand dollars and the assignor has agreed to assign the same upon the trusts hereinafter mentioned.

Now this indenture witnesseth that in consideration of the premises and of the sum of one dollar of lawful money of Canada now paid by the said assignees to the said assignor the receipt whereof is hereby acknowledged the said assignor doth hereby assign and set over unto the said assignees upon the trusts hereinafter mentioned all that the said before in part recited mortgage and also the said sum of ten thousand dollars

now

now owing as aforesaid together with all moneys that may hereafter become due or owing in respect of said mortgage and the full benefit of all powers and of all covenants and provisoes contained in said mortgage and the said assignor doth hereby grant and convey unto the said assignees and their successors to be appointed as hereinafter mentioned and assigns all and singular that certain parcel or tract of land and premises situate, lying and being in the said City of Brantford being composed of lot number twenty-three on the south side of Colburne Street in the said City of Brantford, to have and to hold the said mortgage and all moneys arising in respect of the same and to accrue thereon and also the said land and premises thereby granted and mortgaged to the use of the said assignees their successors and assigns absolutely forever, but subject to the terms contained in such mortgage and upon the hereinafter mentioned trusts.

And the said assignor for himself his heirs, executors, administrators and assigns doth hereby covenant with the said assignees their successors and assigns that the said mortgage hereby assigned is a good and valid security and that the said sum of ten thousand dollars is now owing and unpaid and that he has not done or permitted any act matter or thing whereby the said mortgage has been released or discharged either partly or in entirety and that he will upon request do, perform and execute every act necessary to enforce the full performance of the covenants and other matters contained therein.

The following are hereby declared to be the trusts upon which this assignment is executed by the said assignor and accepted by the said assignees: First—Upon trust to receive the interest on the principal money mentioned in said mortgage and so often as default may happen in payment of the said interest, to receive the rents until the said interest is satisfied and thereupon to give up possession to the mortgagors said interest henceforward from the date hereof to be computed at the rate of six per cent per annum payable quarterly. Second—Upon trust to pay over such interest or rent as the same is received to the managers of the Girls Orphan Home on Sheridan Street in the City of Brantford to be applied by the managers thereof for the time being for the purposes of said home. Third—to receive and re-invest said principal money in such securities on real estate as the said trustees may deem sufficient and apply the proceeds thereof to the said home as aforesaid. Fourth to allow said principal money to remain out upon the present mortgage so long as the interest thereon is paid or satisfied and the present mortgagors are willing or desire it. Fifth—upon trust in any event and whether default is made by mortgagors or not to allow the mortgagors the free undisturbed use occupation and enjoyment of present Reading Room, Office Hall, Gymnasium Room and Caretaker's apartments in the building erected on said premises and free access to and exit from the same and in case of foreclosure being absolutely necessary to grant to or allow the said mortgagors the use occupation and enjoyment of the aforesaid Reading Room, Office Hall, Gymnasium and Caretaker's apartments and free access and exit as aforesaid together with all other appurtenances thereto belonging so long as the present building stands. And the said assignor doth hereby nominate, constitute and appoint the said Assignee his true and lawful attorneys for him and in his name but upon the trusts hereinbefore mentioned to do, perform and execute every act, matter and thing necessary to give effect to the objects and purposes of this assignment and of the trusts hereby declared, with full powers of substitution and revocation, the said assignor hereby ratifying and confirming and agreeing to ratify and confirm all and whatsoever his said attorneys or their substitute or substitutes shall lawfully do or cause to be done in or about the premises by virtue hereof.

It is hereby declared that each of the said trustees and the successors of said trustees shall be liable only for such of the said trust moneys as shall actually be received by him and only for his own acts, neglects and defaults and not for moneys received by or acts, neglects and defaults of any co-trustee or co-trustees.

It is also further declared to be the wish of the said assignor that the interest of said moneys shall be used for the benefit of the said Girls Orphans' Home and in the event of such interest being in arrear then the said trustees are to receive the rents of those parts of present building not exempted as hereinbefore mentioned, until such interest is paid and then the said rents are to revert to the mortgagors. The mortgagors are to have the use of the exempted portions of said building free, the intention being to assist the orphanage and at the same time to secure the mortgagors the association in the use of said exempted portions of said building. A majority of said trustees shall have power to carry out the trusts hereby created.

All matters and things not herein provided for are to be left in the discretion of said trustees or a majority of them as aforesaid.

In the event of the death, resignation or incapacity of any of said trustees or their successors the remaining trustees shall appoint a person of the same Christian church or denomination to fill the place of the trustee so dying, resigning or becoming incapable of acting.

In witness whereof the parties hereto have hereunto set their hands and seals.

Signed, sealed and delivered

In the presence of

Sgd. GEO. H. MUIRHEAD.

{ Sgd. I. COCKSHUTT, [Seal]  
Sgd. JOHN HARRIS, [Seal]  
Sgd. WM. NICHOL, [Seal]  
Sgd. FRANK COCKSHUTT, [Seal]  
Sgd. R. O. SMITH, [Seal]  
Sgd. C. S. JONES, [Seal]



## CHAPTER 132.

## An Act respecting The Ross Memorial Hospital.

*Assented to 22nd May 1903.*

## Preamble.

WHEREAS James Ross, formerly of the Town of Lindsay, in the Province of Ontario, and now of the City of Montreal, in the Province of Quebec, Civil Engineer, has, by Indenture bearing date the ninth day of January, 1903, granted unto John Dundas Flavelle, of the Town of Lindsay, manufacturer, James Richardson McNeillie, of the same place, Treasurer of the County of Victoria, Thomas Stewart, of the same place, barrister-at-law, Robert Bryans, of the same place, lumber merchant, Mary Grace, of the City of Toronto, wife of James C. Grace, of the same place, esquire, the Warden of the said County of Victoria, the Mayor of the said Town of Lindsay, and the said James Ross, as Trustees, certain land in the said Town of Lindsay, and has, to perpetuate the memory of his parents, built thereon and equipped an hospital, for the benefit primarily of the inhabitants of the said County of Victoria, including the said Town of Lindsay, and has appointed the said trustees as governors of the said hospital; and whereas the said trustees have, by their petition, prayed to be incorporated by a special Act of the Legislature of Ontario, and that the said Indenture, dated the 9th day of January, 1903, a true copy of which is set forth in the Schedule to this Act, be confirmed; and whereas the said trustees have, by their petition, prayed that the County of Victoria and the local municipalities of that county, including the Town of Lindsay, may be empowered to assist in the maintenance of the said hospital; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

## Incorporation.

1. The said John Dundas Flavelle, James Richardson McNeillie, Thomas Stewart, Robert Bryans, Mary Grace, the Warden of the said County of Victoria, the Mayor of the said Town of Lindsay and the said James Ross, and their successors, are hereby constituted and declared a body corporate and politic by the name of The Ross Memorial Hospital.

## Indenture confirmed.

2. The Indenture forming the Schedule to this Act, and bearing date the 9th day of January, 1903, between the said James

James Ross, of the first part, and John Dundas Flavelle, James Richardson McNeillie, Thomas Stewart, Robert Byrans, Mary Grace, the Warden of the County of Victoria, the Mayor of the Town of Lindsay and the said James Ross, of the second part, is hereby sanctioned and confirmed, and all the clauses and provisions of the said Indenture are hereby declared to be part of this Act and of the same force and effect as if enacted in the body of this Act; and, without further conveyance, the right, title and interest of the said recited trustees in the real estate in the said Indenture described, and the hospital and buildings thereon erected, and the hospital plant, equipment and appurtenances thereto belonging, are hereby vested in The Ross Memorial Hospital.

3. The corporation hereby constituted, and their successors, shall have all the powers in the said Indenture mentioned and provided for, and, in the event of any contingency not being provided for in the said Indenture, shall have power to make all by-laws, rules and regulations for the effective government and management of the affairs of the said corporation, and so as to carry out the intention of the said Indenture. Corporate powers.

4. It shall be lawful for the Corporation of the County of Victoria, and for the several local municipalities in the said county, including the Town of Lindsay, in addition to the powers to aid indigent persons given under *The Municipal Act*, from time to time to contribute a sum or sums of money for the enlargement or permanent improvement of the said hospital and its surroundings, and to contribute towards the maintenance thereof, and to make by-laws to carry this into effect, and also to levy a special rate in each and every year upon the ratepayers of the municipalities for the purpose of providing funds for such contributions; and the erection of the Town of Lindsay into a city or its becoming a town separated for municipal purposes from the County of Victoria, shall not affect the rights hereby conferred. Contributions from municipalities.  
Rev. Stat. c. 223.

## SCHEDULE

being the Indenture, dated 9th day of January, 1903, referred to in the foregoing Act.

This indenture, made (in triplicate) this ninth day of January, in the year of Our Lord, one thousand nine hundred and three, between James Ross, sometime of the Town of Lindsay, in the Province of Ontario, and now of the City of Montreal, in the Province of Quebec, civil engineer, hereinafter called "the donor," of the first part: and John Dundas Flavelle, of the said Town of Lindsay, manufacturer, James Richardson McNeillie, of the same place, treasurer of the County of Victoria, Thomas Stewart, of the same place, barrister-at-law,

at-law, Robert Bryans, of the same place, lumber merchant, Mary Grace, of the City of Toronto, wife of James C. Grace, of the same place, esquire, the Warden of the said County of Victoria, and the Mayor of the said Town of Lindsay, and the said James Ross, hereinafter called "the trustees," of the second part.

Whereas the said donor is the owner in fee simple of the land hereinafter described, and has built thereon and equipped an hospital, for the benefit primarily of the inhabitants of the County of Victoria and the Town of Lindsay; and, with a view of raising a memorial of respect and affection to his parents, the late John Ross and Mary Ross, of the said Town of Lindsay, has named the said hospital The Ross Memorial Hospital;

And whereas the said donor has agreed to give the said land and hospital for the purposes hereinafter mentioned, and to convey the same to the said trustees;

And whereas the said donor has obtained adequate assurances from the said trustees and other inhabitants of the County of Victoria and the Town of Lindsay that the inhabitants of those localities would properly maintain the said hospital;

And whereas the said donor has stipulated that the said trustees shall become an incorporated body, if possible by special Act of the Legislature of the Province of Ontario, and the trustees have agreed to make application for such Act;

Now this indenture witnesseth that, until incorporation aforesaid is obtained, the said trustees shall manage the said hospital in the same manner and with all the powers and privileges hereinafter given to governors for the management of the said hospital;

And this indenture further witnesseth that in consideration of the said assurances, and in consideration of the premises, the said donor doth hereby convey unto the said trustees all and singular that certain parcel or tract of land situate, lying and being in the Town of Lindsay, in the County of Victoria, and Province of Ontario, and being composed of lots numbers one, two, three, four, five and six, north of Kent street, in the Town of Lindsay; lots numbers one, two and three, west of Jane street, in the said Town of Lindsay; lots numbers one and two south of Henry street, in the said Town of Lindsay; lots numbers one, two and three east of Angeline street in the said Town of Lindsay, all as laid down on a plan of the sub-division of Park lots, numbers eight and nine, west of Adelaide street in the said Town of Lindsay, and duly registered in the Registry Office for the County of Victoria;

To have and to hold the same unto and to the use of the said trustees in fee simple in trust to use the same upon the conditions of this Deed of Trust, and for the reception of sick and injured persons of all races and creeds without distinction, and for the benefit of those who are in indigent circumstances, and wholly or partially unable to provide medical or surgical treatment for themselves, but preference is to be given to the inhabitants of the County of Victoria, including the Town of Lindsay, subject to such rules and regulations as shall for the time being be in force for the management and government of the said hospital, and subject to the following provisions, namely:

1. As far as is practicable, without interfering with medical or surgical treatment, provision shall be made for the attendance upon patients in the hospital of all creeds by the ministers of religion of such creeds, respectively, upon terms of absolute equality as to all such ministers of all creeds and churches, and in such manner as shall be provided by the By-laws.

2. The trustees shall forthwith apply for, and endeavor to obtain, an Act from the Legislature of the Province of Ontario, incorporating the trustees under the name of The Ross Memorial Hospital. After such incorporation,



incorporation, the property hereby conveyed shall be vested in the said corporate body, to be called The Ross Memorial Hospital, hereinafter to be referred to as the corporation; and the affairs of such corporate body shall thereupon and thereafter be managed by a board, who shall have and bear the name of Governors, and be known as The Board of Governors of the Ross Memorial Hospital, hereinafter referred to as the Governors; and the first board shall consist of the trustees, parties hereto of the second part.

3. The said donor shall during his lifetime be a governor of the said corporation, and, after his decease, the right to be a governor shall from time to time vest in that one of his descendants who would according to the rules of primo-geniture at present prevailing in England be his heir, provided that should such heir at any time be two or more females, then the eldest or elder of such females, and her descendants, shall for this purpose be deemed the heir in preference to such younger female or females; and the said donor, and such of his descendants as may from time to time be entitled to such office of governor, shall, during his and their respective lives, have the power of substituting any person to act as governor in his or their place and stead, or may from time to time appoint an attorney or proxy to attend meetings of the governors in his or their place.

4. The warden, for the time being, of the County of Victoria, and the mayor, for the time being, of the Town of Lindsay, shall be *ex officio* governors.

5. The Governor-General of Canada, for the time being, or the high official who is at the head of public affairs in Canada, by whatever title he may be known, shall be the visitor of the said hospital. In addition to his ordinary powers, the visitor shall have the right to set aside and annul any by-law, rule or regulation made under the provisions hereof, which, in his opinion, conflicts or is inconsistent with the true intent of this deed of trust or the Act to be applied for incorporating The Ross Memorial Hospital, and with the intention of the founder of the said hospital; and such powers may be exercised by him upon application in writing by any two of the governors of the hospital, stating succinctly their objection to such by-law, rule or regulation, after the expiration of one month from the service upon the corporation of a copy of such application, and notice of the time and place of the intended presentation thereof, and after hearing any parties thereon who shall present themselves for that purpose; the visitor upon such application, may, in his discretion, set aside and annul such by-law, and the same shall thereafter be annulled, and shall have no further force and effect; and his decision thereon shall be final and absolute, and shall not be set aside or disregarded by any tribunal whatever. But nothing herein contained shall be construed to prevent any interested person who contends that the enactment of any by-law, rule or regulation is illegal, from taking any lawful proceeding before any competent court to set aside the same.

6. The governors, and their successors in office, shall, subject to the provisions of this trust deed and the Act incorporating The Ross Memorial Hospital, have the power, from time to time, to make and from time to time to amend by-laws, rules and regulations for the management and good government of the hospital and its branches, and all the property and financial affairs of the corporation; to provide for and regulate the forms and proceedings incidental to the election of governors thereof, and the meetings and order of proceedings of the governors; the internal and external management of the hospital and its branches, including all matters and things incidental thereto, and necessary and expedient for the management and use thereof, as well in respect to the officials and surgical and medical attendants thereof, as of the patients admitted therein, the terms and conditions of the reception, treatment and dismissal of patients; the conduct and management of any dispensary therein or connected therewith, and of the medical, surgical, chemical

or other scientific lectures, classes and other educational methods connected therewith, or under the control of the corporation thereof; the appointment of all officials, internal or external, and the regulation of their powers, duties and obligations to the corporation; the attendance upon the said hospital, and the patients thereof, by the members of medical or other scientific or educational bodies or faculties; the attendance and discipline of sick and hospital nurses, and their effective education and training as such for professional and other purposes; and finally, to provide for and regulate all matters and things falling within the powers of the said corporation, except as to matters and things for which provision is made in this trust deed.

7. Three governors shall be required to constitute a quorum of the board.

8. In addition to the governors, every person shall become an associate of the corporation who subscribes, or has heretofore subscribed, and pays, or has heretofore paid, to the general funds thereof a sum not less than one hundred dollars, and pays annually towards its support and maintenance a sum of not less than ten dollars, or who pays to the general funds a sum of not less than five hundred dollars without any annual contribution; and also every person who establishes or endows, to the satisfaction of the governors, any department, ward, bed or beds, or other sectional division of the hospital, with an amount at least equivalent to either of the foregoing qualifications; and in the event of any devise or bequest by will of any contributions or endowment at least equal to one of the qualifications hereby established, the testator shall have the right to name a person to become an associate of the trust by virtue of such contribution or endowment, as if such person himself were the donor of such contribution or endowment. Where vacancies occur in the board, other than those to be filled *ex officio*, or by the nominee of James Ross, only persons who are associates of the trust can be elected to such vacancies, unless there be none such available.

9. The office of governor shall become vacant by resignation, insanity or other mental incapacity of the holder thereof, his insolvency, bankruptcy or conviction of any offence against the criminal law; and upon the occurring of any vacancy, the remaining governors, acting as a board, shall have the power to appoint, and shall forthwith appoint, a governor to fill the vacancy, and, if any vacancy remains unfilled for a period of six months from the time of its occurrence, the visitor hereinbefore provided for may appoint a person to be a governor to fill such vacancy; and such person shall be appointed from among those who might have been lawfully so appointed by the governors.

10. The corporation may take and hold the lands and premises above described; and the said hospital is authorized and empowered to take all gifts, legacies, bequests of money or personalty, and to acquire, hold and possess so much land as may from time to time be necessary for the actual use and occupation of the said corporation, whether the same be acquired by gift, devise, bequest or by purchase; and the said corporation, in addition to such lands as may be required for its actual use and occupation as aforesaid, is hereby authorized and empowered to take by gift, devise or bequest lands, tenements or hereditaments, or interests therein, the annual value of which together with all other lands, tenements and hereditaments, or any interest therein, theretofore acquired by like means and then held by the corporation, shall not exceed in the whole the annual value of fifteen thousand dollars, but such last mentioned lands, tenements or hereditaments, or interests therein, shall not be held for a longer period than seven years from the acquisition thereof, and within that period shall be absolutely disposed of by the said corporation, and such lands, tenements or hereditaments, or interests therein, as have not within the said period been so disposed of, shall come under the operation of section 5 of *Mortmain and Charitable Uses Act*, and the proceeds of the sales of all or any part of the moneys derived therefrom, or from any other source, may be invested from time

to time in mortgage securities upon real estate, whether freehold or leasehold, and also in municipal debentures, and also in any security which trustees may invest in under the laws of the Province of Ontario, and also in the bonds or debenture stock of any railway company in America which has paid dividends upon its common stock for at least three years.

11. The governors shall have power to make arrangements with any other hospital corporation for the acquisition thereof, or for the amalgamation thereof with and under the name of the hospital hereby created ; provided that such terms and conditions shall not change or modify in any respect the constitution of the governing body of the corporation, or the powers or duties of the visitor hereby provided for, or the offices, qualities or other characteristics hereby provided for as requisite, in persons who may become governors thereof ; and upon the completion of such amalgamation, the amalgamated corporation shall be governed by the provisions of this trust deed.

12. There shall be no power to sell or mortgage or place any lien upon the said hospital.

13. The officers of the Board of Governors shall consist of a chairman and a secretary-treasurer.

14. Any endowment that may now exist, or any future endowment that may be made, shall not be diminished for any purpose whatever.

15. All questions arising from the interpretation of the provisions of this trust deed or of the provisions of the Act to be obtained, shall be referred to the said donor as sole arbitrator, and, failing the said donor, or his representatives, to the Attorney-General of the Province of Ontario.

In witness whereof the parties hereto have hereunto respectively set their hands and seals on the day and year first above written.

Signed, sealed and delivered	}	(Sgd.) JAMES ROSS.	[Seal.]
by the said James Ross in			
the presence of			
(Sgd.) D. N. C. HOGG.			

Signed, sealed and delivered	}	(Sgd.) J. D. FLAVELLE.	[Seal.]
by the said Mary C. Grace			
in the presence of			
(Sgd.) J. L. PATIENT.			

Signed, sealed and delivered	}	(Sgd.) J. R. McNEILLIE.	[Seal.]
by the said John Dundas		" THOS. STEWART.	"
Flavelle, James Richard-		" R. BRYANS.	"
son McNeillie, Thomas		" MARY M. GRACE.	"
Stewart, Robert Bryans,		" J. AUSTIN,	"
Jno. Austin, Warden, and		" Warden.	"
J. H. Sootheran, Mayor,		" J. H. SOOTHERAN,	"
in the presence of		Mayor, Lindsay.	"
(Sgd.) L. V. O'CONNOR.		" JAMES ROSS.	"



## CHAPTER 133.

An Act respecting the Corporation of the College of  
St. Jerome, Berlin.*Assented to 12th June, 1903.*

## Preamble.

WHEREAS the Reverend Anthony Weiler, the Reverend William Kloefer, the Reverend John Fehrenbach, the Reverend Theobald Spetz and the Reverend Joseph Schweitzer have by their petition represented that by an Act passed at the session of the Legislature of the late Province of Canada held in the 29th and 30th years of the Reign of Her late Majesty Queen Victoria, chaptered 134, the Corporation of the College of Saint Jerome, Berlin, was incorporated for the purpose of carrying on the instruction of youth at the college known as the College of Saint Jerome, at the Town of Berlin; that the said college and the lands and buildings used in connection therewith, have never been transferred or vested in the said Corporation, but have been held by and in the name of individual members of the Order known as the Congregation of the Resurrection; that by section 6 of the Act it was provided that any vacancy arising from time to time in the Board of Directors of the said Corporation should be filled within six months thereafter by the remaining members of the Board; that vacancies did from time to time occur in the said Board, and that all the members thereof are dead or absent from the Province of Ontario, and it is feared that the said Corporation has lapsed by reason of the non-election of members of the said Board; and whereas the said petitioners have prayed that an Act may be passed reviving and amending the said Act of incorporation, and conferring upon the Corporation power to sell, mortgage, lease or otherwise dispose of real and personal property, and to change the name of the Corporation, and to nominate and appoint the petitioners a Board of Directors thereof; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

29 and 30  
Vict. c. 134,  
revived and  
confirmed.

1. The said Act passed in the session of the Legislature of the late Province of Canada held in the 29th and 30th years of the Reign of Her late Majesty Queen Victoria, chaptered 134, is revived and continued, and the Corporation of the College of Saint Jerome, Berlin, is declared to be and to have been

been since the date of the passing of the said Act a valid and subsisting Corporation with perpetual succession, as defined and declared by the said Act, and with the powers, rights and privileges and subject to the terms and restrictions by the said Act conferred and imposed; and the said Corporation shall not be deemed to have lapsed or to have dissolved by reason of the neglect from time to time to appoint members of the Board of Directors thereof in the manner prescribed by the Act.

2. The affairs and business of the said Corporation shall be managed by a Board of Directors composed of five persons; and the persons named in the preamble to this Act shall be the first members of the said Board, and shall hold office subject to the provisions of the said Act amended by this Act.

Board of directors, how composed.

3. In case any member of the said Board shall die or resign his office, or shall remove from the Province of Ontario, or be dismissed from office by a vote of the majority of the said Board, the remaining members shall, at a meeting of the Board to be held within six months after such death, resignation, removal or dismissal, elect some other person to fill the vacancy so created; and in case the said remaining members neglect to appoint some person to fill such vacancy then the Superior of the Order of the Resurrection may in writing over his hand and seal nominate and appoint a member of the said Order to fill such vacancy. Provided that the neglect of the remaining members of the Board to fill any vacancy shall not render the acts or contracts of the said Board invalid, nor affect the rights, powers, privileges and obligations of the Corporation so long as a quorum of the Board remain in office; and the acts of a majority of the remaining members shall be valid and binding upon the Corporation.

Vacancies in, how filled.  
  
Proviso.

4. A majority of the said Board shall constitute a quorum; and the said Board may from time to time elect from among themselves a President and Procurator of the Corporation, who shall hold office during the pleasure of the said Board.

Quorum.

5. Section 6 of the said Act of incorporation is repealed.

29 and 30, Vict. c. 134, sec. 6 repealed.

6. The Corporation may from time to time mortgage, lease, sell or otherwise dispose of the real and personal property of the Corporation as the Board of Directors may deem proper; and every deed, mortgage, lease, conveyance or other instrument made by the said Corporation shall be duly executed by affixing thereto the corporate seal of the Corporation at the hands of the President and Procurator.

Power to mortgage or sell real and personal property.

7. The name of the Corporation is changed to and the Corporation shall hereafter be known and designated as St. Jerome's College.

Name of Corporation.





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